



Idaho

Factsheet: House Bill 71

Overview

HB 71 creates a new state law banning all gender-affirming medical care for minors in Idaho. The ACLU will be bringing a lawsuit asking a court to strike down the law as unconstitutional. **Absent action by a court, the bill will go into effect on January 1, 2024.** After January 1, 2024, health care providers would no longer be able to legally provide gender-affirming medical care to anyone under the age of 18 in our state.

This factsheet is intended as a resource. It is not legal advice. Our hope is to clarify the new law created by HB 71 and help explain how the new law would impact trans kids and their families if it takes effect.

What the Bill Says

The bill creates a new state law. The new law will prohibit healthcare providers from giving gender affirming care to people under 18. Providers will not be able to give health care to affirm a child's gender if the gender is different from their sex assigned at birth. After January 1, 2024, healthcare providers in Idaho cannot lawfully provide minors:

1. Medication to delay puberty (known as gonadotropin-releasing hormone/GnRH) or hormone therapy to initiate puberty consistent with their gender identity (e.g. testosterone for trans boys, estrogen and testosterone blockers for trans girls).
2. Surgeries performed with the aim of affirming gender, such as top surgery for trans youth.

If you or your child is currently receiving gender-affirming medical care:

You have some time. Healthcare providers in Idaho can continue to provide gender-affirming medical care to minors in the state through the end of 2023. Youth with gender dysphoria and their families can continue to seek and obtain gender-affirming medical care through the end of 2023. And, the new law created by HB 71 does not apply to people 18 and older. That means if your child is 18 or older or will be by January 1, 2024, the new law will not apply to them.

Even if the new law goes into effect on January 1, 2024, it will not impact how your child expresses their gender. The new law will not impact non-medical ways your child might affirm their gender.

If the new law goes into effect on January 1, 2024, it will become illegal for doctors and other healthcare providers in Idaho to provide gender-affirming medical care to minors.

It is important that youth and their families talk to their healthcare providers about their options for care if the law takes effect.

What HB 71 means for Health Care in Idaho

The new law carries very harsh penalties for healthcare providers. If the law goes into effect on January 1, 2024, medical professionals who provide gender affirming care after that date can be charged with a felony. Unless and until the law takes effect, healthcare providers in Idaho can continue to provide gender-affirming medical care to minors. If the law does take effect, healthcare providers in Idaho can continue to discuss treatment and treatment options for patients under the age of 18. The new law would not impact therapists who provide gender-affirming counseling.

The new law would not impact healthcare providers' ability to continue providing gender-affirming medical care to adults.

Resources

- ACLU Transgender rights. <https://www.aclu.org/issues/lgbtq-rights/transgender-rights> National Center for Transgender Equality <https://transequality.org/>
- National Alliance on Mental Illness (NAMI) <http://www.nami.org/Find-Support>
- LGBTQ RAD Remedy <https://www.radremedy.org/>
- Johns Hopkins Medicine. Center for transgender and gender expansive health: Transgender resources. <https://www.hopkinsmedicine.org/center-transgender-health/patientresources/resources.html>
- TransHealth <http://www.trans-health.com/>
- Jim Collins Foundation <https://jimcollinsfoundation.org/>

Helplines

- National Alliance on Mental Illness (NAMI) Help Line (800) 950-6264
- The Trevor Project Lifeline (866) 488-7386
- National Suicide Prevention Lifeline (800) 273-8255
- Tans Lifeline (877) 565-8860
- Idaho Suicide and Crisis Lifeline 988

Other Resources

- Information National Center for Transgender Equality (NCTE) (nd). Factsheet on US Dept of Ed policy letter on transgender students. <https://transequality.org/sites/default/files/ED-DCL-FactSheet.pdf>
- Richgels, C., S. Cahill, J. Thompson, M. Dunn. (nd). State bills restricting access of transgender youth to health care, school facilities, and school athletics threaten health and well-being.
- Fenway Health <https://fenwayhealth.org/wp-content/uploads/Anti-translegislation-policy-brief-FINAL.pdf>

- Human Rights Council. (nd). Supporting and caring for transgender children. <https://www.hrc.org/resources/supporting-caring-for-transgender-children>
- US Dept of Health and Human Services. 2022. Gender affirming care and young people. <https://opa.hhs.gov/sites/default/files/2022-03/gender-affirming-care-young-people-march2022.pdf>