



Legal Analysis: U.S. v. Skrmetti and the Future of Gender-Affirming Care Litigation

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Introduction

On June 18, 2025, the United States Supreme Court issued a significant [opinion](#) in *United States v. Skrmetti*, a case that considered the constitutionality of Tennessee’s law banning gender-affirming medical care for transgender minors. The ruling has understandably raised serious concerns for LGBTQ+ Ohioans, especially transgender youth and their families.

This legal analysis outlines the Supreme Court’s decision, clarifies what the ruling does and does not do, and explains how it impacts transgender youth in Ohio—particularly in the context of **HB 68**, Ohio’s ban on gender-affirming care for minors, which is currently being challenged in **Moe v. Yost**.

Key Takeaways

- The *Skrmetti* decision **does not create a national ban** on gender-affirming care for minors.
- The decision **does not affect adult access** to gender-affirming care.
- The ruling **does not invalidate ongoing litigation**, including **Moe v. Yost**, the case challenging Ohio’s HB 68.
- The Court’s ruling is **narrow** and leaves open other legal arguments against similar bans in Ohio and elsewhere.
- There are still **strong legal grounds**—including Equal Protection arguments and protections under state constitutions—to challenge anti-trans laws in court.

Background: What Was the Case About?

The legal issue in *U.S. v. Skrmetti* was whether Tennessee’s **SB 1**, a law prohibiting certain forms of gender-affirming care for minors, violated the **Equal Protection Clause** of the Fourteenth Amendment.

SB 1 prohibits puberty blockers, hormone therapy, and gender-affirming surgeries when used to treat gender dysphoria in minors. However, it permits those same medical

interventions when used for other purposes (e.g., treating precocious puberty), creating a clear distinction based on the **purpose** of the care and the **identity** of the patient.

Plaintiffs challenged SB 1, arguing it unlawfully discriminated on the basis of sex and transgender status, triggering **heightened judicial scrutiny** under the Constitution.

Procedural History

- The **district court** ruled in favor of the plaintiffs, granting a **preliminary injunction** and holding that SB 1 likely violated the Equal Protection Clause. The court applied **intermediate scrutiny**, citing discrimination based on sex and transgender status.
- The **Sixth Circuit Court of Appeals** reversed the injunction, holding that the law was subject only to **rational basis review** and did not violate the Equal Protection Clause. The court concluded that the law regulated treatments for all minors, regardless of sex, and that transgender individuals were not entitled to heightened scrutiny.
- Plaintiffs appealed to the Supreme Court, which agreed to hear the case on a limited question: whether the Equal Protection Clause prohibits states from banning gender-affirming care for minors.

What Did the Supreme Court Decide?

In a 6–3 decision, the Supreme Court **upheld** Tennessee’s ban on gender-affirming care for minors. The majority held that:

- The law **does not classify based on sex**, and is therefore **not subject to heightened scrutiny**.
- The law instead classifies based on **age** and the **purpose of treatment**, and thus can be reviewed under the more lenient **rational basis** standard.
- Under rational basis review, Tennessee had a legitimate government interest in regulating medical treatments it views as experimental or risky, and the law was found to be constitutionally valid.

What the Supreme Court Did Not Decide

The Supreme Court’s decision is **narrower** than the Sixth Circuit’s earlier opinion. It did **not**:

- Declare that **transgender people are not entitled to heightened scrutiny** under Equal Protection claims.
- Overturn favorable rulings from other federal circuits (e.g., the **Fourth** and **Ninth Circuits**) that have held transgender people are a **quasi-suspect class**, triggering intermediate scrutiny.
- Limit the reach of **Bostock v. Clayton County**, which affirmed that sex-based discrimination includes discrimination based on gender identity and sexual orientation, even though the Sixth Circuit attempted to do so.

Because the Court declined to address those broader issues, other litigation avenues remain viable.

What This Means for Ohio

Ohio's law, **HB 68**, bans many forms of gender-affirming care for minors and is currently being challenged in **Moe v. Yost**. This lawsuit includes legal claims beyond those considered in *Skrametti*, such as:

- **Parental rights**
- **Rights under the Ohio Constitution**
- **Targeting of a minority group based on animus**, which may violate Equal Protection even under rational basis review

The *Skrametti* decision does **not** invalidate these claims, nor does it resolve the constitutionality of HB 68. Because the Supreme Court did not endorse many of the Sixth Circuit's broad conclusions, **many legal arguments remain viable**.

Where We Go From Here

The *Skrametti* ruling is a painful setback, but it is not the end—and it does not erase the rights or dignity of transgender people. While the Supreme Court failed to strike down Tennessee's discriminatory law, its decision leaves open multiple paths forward, especially in Ohio.

1. Legal fights continue

- The lawsuit challenging Ohio's HB 68—*Moe v. Yost*—remains active and is based on arguments the Supreme Court did not address.
- Other litigation across the country continues to challenge anti-trans laws under state constitutions, parental rights, and Equal Protection grounded in animus.
- Importantly, courts in other federal circuits still recognize transgender people as a quasi-suspect class entitled to heightened scrutiny.

2. Local power matters

- As hostile state policies persist, local governments can play a critical role. Cities and counties can pass protections, enforce nondiscrimination, and publicly affirm transgender youth.

3. We need each other

- Transgender youth and families should not have to face this moment alone. Our legal team is here to provide support, guidance, and care.
- Community members, allies, educators, and leaders can make a critical difference by showing up and standing with trans youth.

Call to Action

We know this moment is devastating for many—but it is not the end of the road. At the Equality Ohio Legal Clinic, we remain fully committed to fighting anti-trans laws in the courts, in the legislature, and in every corner of the state.

Here's how you can take action:

- **Read and share this legal analysis:** Help others understand what this ruling does—and doesn't—mean.
- **Need legal support?** If you or someone you love is impacted by HB 68 or related policies, reach out to us directly: 855-LGBT-Law or complete an [intake form](#). Attorneys: Join our [Attorney Referral network](#).
- **Sustain this work:** Become a monthly donor and join our [Defenders of Equality](#). Your support powers legal defense, education, and advocacy.

No matter what the Court or politicians say, transgender people—especially youth—deserve safety, healthcare, and joy. We will not stop fighting until that future is reality.

This analysis is for educational purposes only and does not constitute legal advice. For individualized legal support, please contact the Equality Ohio Legal Clinic.

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