

What an Ohio veto reveals about Republican efforts to ban gender-affirming care

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Ohio Gov. Mike DeWine speaks during a news conference, Friday, Dec. 29, 2023, in Columbus, Ohio, after he vetoed a measure that would have banned gender-affirming care for minors and transgender athletes' participation in girls and women's sports. (AP Photo/Carolyn Kaster)

By Orion Rummel, originally published by [The 19th](#) with funding from A-Mark Foundation ^[1]

House Republicans in Ohio voted to override a veto from Republican Gov. Mike DeWine that blocked the state's gender-affirming care ban.

On Wednesday, House Republicans in Ohio voted 65 to 28 to override a veto from Republican Gov. Mike DeWine that blocked a ban on gender-affirming care for transgender youth. This is the first step in allowing the ban to take hold; if passed, the bill moves to the Senate for another vote.

DeWine is only the second governor in his party to block a [state ban on hormone therapy and puberty blockers](#) for minors. While announcing his veto in late December, he [said](#) that decisions on gender-affirming care should be left to parents and doctors — and emphasized that such care is life-saving, which he learned from direct conversations with trans youth and their families.

However, DeWine's veto also laid the groundwork for more specific restrictions. Days after that announcement, he signed an [executive order](#) to ban gender-affirming surgery for minors and greenlit state agencies to limit how hospitals and doctors can provide gender-affirming care to minors and adults. The state's health department has already [begun the slow process of drafting](#) those rules.

Even so, for Republican lawmakers in Ohio, the governor's restrictions are not enough. While they say they want bans on gender-affirming care to protect children, advocates and experts say their actions show that the goal is not primarily to create public policy, but to try and gain favor from conservative voters.

Ohio Republicans are gearing up for contested state House and Senate primary races, and many lawmakers are trying to maintain power even within their own party, said Maria Bruno, public policy director of the advocacy group Equality Ohio. The state's gender-affirming care ban represents a partisan litmus test for state politicians running for reelection: Are Republican lawmakers actively working to ban gender-affirming care, and are they willing to criticize DeWine for blocking that ban?

"Queer issues are their number-one wedge issue," Bruno said — and Republicans have less voter support than they think they do, she argued. Polls on [Ohio voters' views on anti-trans measures](#) may be affected by misinformation that the party is fueling, she said. "But they see it as a politically viable way in that they don't have people's support on all of these other conservative issues."

State Senate President Matt Huffman, as well as Ohio House Speaker Jason Stephens — both of whom are running for reelection this year — [blasted the governor](#) for his veto, as did [representatives](#) like Angela King, who tied her support for banning gender-affirming care to restricting abortion.

"House Republicans have the votes necessary to override the veto," King [said in an X post](#) on the same day that DeWine announced his veto. "I will always stand to protect children whether in the womb, from experimental medical treatments or ensuring girls have the opportunity to fair competitions."

Ohio Secretary of State Frank LaRose, who is also running to represent Ohio in the U.S. Senate, [dug into DeWine](#) for his veto and called for an override from the state legislature. Bernie Moreno, a longtime GOP donor who is again running for the Republican nomination to the U.S. Senate to represent Ohio, used heightened anti-trans rhetoric to disparage DeWine's veto and call for an override.

The governor has faced backlash for his veto well beyond Ohio's borders. Former President Donald Trump, alongside other prominent national figures focused on spreading anti-trans rhetoric, [blasted DeWine](#) for his decision and [accused him](#) of abandoning Republican values.

But to Jordan Evans, a transgender woman living in New Hampshire who has run for office as a Republican, DeWine represents the kind of GOP politician who is actually following through on small-government, "pro-life" principles. To her, it makes sense that DeWine would allude to his [stance against abortion](#) while rejecting a gender-affirming care ban — because she also believes that banning gender-affirming care is the opposite of being "pro-life."

Trans youth are being exposed to language by anti-trans politicians that could make them feel like there's something inherently wrong with them, or that they are mutilating themselves by seeking gender-affirming care, and that just isn't true, Evans said.

"Not only are these kids stuck having these same kinds of inner monologues where they feel misunderstood and alone, there are

people out there now who are making their career, their political launchpad, off of these kids' backs," she said. "I want them to live and I want them to push through. So I consider this also to be a matter of life."

As of 2022, Evans still considered herself to be a Republican, but the party's anti-trans rhetoric has pushed her closer to Libertarian politics.

In addition to banning gender-affirming surgeries for minors, DeWine has directed state agencies to collect and share data on trans adults and minors seeking gender-affirming care — which would not begin until 2025 — and to require hospitals providing the care to follow specific rules, including having a multi-disciplinary care plan. Equality Ohio has [criticized](#) these proposals as a departure from the ideals DeWine shared in his veto: that the government should not make medical decisions for families.

DeWine noted that surgeries on trans minors are not actually taking place within the state and that he had discussed the issue with several children's hospitals providing gender-affirming care in Ohio, as well as families of trans youth.

Jerrica Kirkley, co-founder and chief medical officer at the transgender health company Plume, said that these proposed policies "could effectively eliminate care for many trans folks in the state of Ohio" by overburdening providers with impractical rules.

Requiring health care providers to report any diagnosis of gender dysphoria to the state within 30 business days is onerous, Kirkley said, as is requiring a medical ethicist to approve hospital care plans. Additionally, the draft rules require a minimum six-month mental health evaluation for any patient under 21 years old receiving gender-affirming care.

Jami Taylor, a professor of political science and public administration at the University of Toledo, said that Republican lawmakers' rejection of DeWine's proposals highlights the true nature of anti-trans bills as symbolic political tools.

"It gets back to why this type of legislation exists in the first place. It's about position taking, in terms of elections and mobilizing social conservatives," she said. "They want to be on record as opposing transgender rights and do everything they can to mobilize social conservatives. Administrative regulations don't do that for a legislator."

Of the 22 [gender-affirming care bans](#) that have been signed into law for transgender youth, three of them were enacted last year over Democratic governors' vetoes — in [Louisiana](#), [Kentucky](#) and [North Carolina](#). Only two Republican governors have vetoed such legislation — DeWine in 2023, and Asa Hutchinson, then the Republican governor of Arkansas, in 2021.

Hutchinson's veto was swiftly overridden in 2021, making Arkansas the first state to ban gender-affirming care for trans youth. In DeWine's case, the Ohio House returned early from its winter holiday with only one item on the agenda: overriding the governor's veto.

"This bill would impact a very small number of Ohio's children. But, for those children who face gender dysphoria and for their families, the consequences of this bill could not be more profound. Ultimately, I believe this is about protecting human life," DeWine said while announcing his veto on December 29.

Arkansas' law banning gender-affirming care for minors [never actually took effect](#) — because it was challenged with a lawsuit, and then blocked in court through a preliminary injunction. In his veto, DeWine referenced the fact that many gender-affirming care bans are quickly challenged and then held up in court and said he believes his proposals will have a better chance of surviving judicial review than a blanket ban.

Leaders in other states have also noticed how legal entanglements follow laws affecting transgender minors. A few Republican governors have [vetoed](#) anti-trans sports bills and faced similar backlash from their party. In 2022, GOP [governors in Utah and Indiana](#) vetoed bills to keep students from competing in school sports that match their gender identity. Both governors argued that the bills would expose their states' high school athletic associations to lawsuits — as an increasing number of lawsuits have been mounted in states passing anti-trans legislation.

Equality Ohio, a statewide LGBTQ+ rights organization, is focused on the aftermath of the state's gender-affirming care ban likely being passed through the legislature Wednesday, as well as analyzing the scope of the proposed agency rules. The group is also grappling with other [anti-trans legislation filtering through the state](#), including a bathroom ban that trans professors fear could impact them, as well as a ban on public drag.

Ohio's gender-affirming care ban would not go into effect for a few months after Wednesday's House vote. The law would take effect 90 days after the state Senate takes a similar vote — which is not scheduled yet, Bruno said.

The state's bill would ban physicians from providing puberty blockers and hormone therapy to trans minors, unless that minor has been a continuous Ohio resident and that treatment was started prior to the bill taking effect. The bill would also ban transgender girls in private colleges and state schools from playing on girl's teams. DeWine explicitly said in his veto that he did not engage with the sports ban portion of the bill and that it was not part of his decision.

To inform his veto, DeWine said he spoke with families of trans youth, transgender adults, and counselors and physicians who provide gender-affirming care, as well as those who advocate for restrictions on the care. Equality Ohio told The 19th that it helped facilitate some of these conversations by providing contact information to the governor's office.

Parents of trans youth in Ohio told the governor that their children would be dead without gender-affirming treatment provided through one of the state's children's hospitals, he said at that December news conference. Transgender adults also expressed to him that, without gender-affirming care, they would have taken their lives as teenagers.

"Were I to sign House Bill 68, or were House Bill 68 to become law, Ohio would be saying that the state, that the government, knows better what is medically best for a child than the two people who love that child the most: the parents," DeWine said on December 29. He had just spent much of his Christmas holiday on the phone with people directly impacted by the bill.

"This was not a light decision for him at all," said Bruno. "I think he just really wanted to get to the right decision, and he knew he was going to be poking the bear, so to speak, but that's how overwhelming this evidence is."

Meanwhile, DeWine is not running for reelection. He is up against a term limit and will not be able to run in 2026 — just as Hutchinson was term-limited when he vetoed his state's gender-affirming care ban in 2021.

"So he has a little bit more political freedom, because he doesn't have to line up his next opportunity. But I think he was under no illusions that most people in his party were going to react how they did, which was to criticize him for it," Bruno said.

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A-Mark Foundation
530 Wilshire Blvd Ste 201
Santa Monica, CA 90401

info@amarkfoundation.org

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