



Written by [James Murphy](#) on December 12, 2024

# Montana Supreme Court Blocks Law Banning “Transgender” Procedures for Kids

On Wednesday the Supreme Court of the state of Montana upheld a lower court ruling that blocked the implementation of a 2023 state law banning so-called gender-affirming procedures such as sex-change operations on children. Opponents of the law claim that it violates the state’s constitution, and six of the seven justices agreed.

Justice Beth Baker wrote the majority [opinion](#) affirming that the lower court was correct when it issued a preliminary injunction against the law. The court further ruled that the original case challenging the law may go forward.



The high court in Big Sky Country cited the state’s right to privacy as a reason for blocking implementation of the new law, saying:

The right of individual privacy is essential to the well-being of a free society and shall not be infringed without the showing of a compelling state interest.

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The court sided with the District Court that granted a preliminary injunction against the law:

The District Court made no error of law and did not manifestly abuse its discretion. We affirm its grant of a preliminary injunction on the basis of Plaintiffs’ right to privacy claim. The case will proceed to trial, at which point the District Court will finally resolve the disputed facts and issue a final determination on the constitutional issues presented.

Justice Jim Rice dissented, saying that the law, [SB99](#), should be enforced, save for a portion that prohibits Medicaid funding, which is currently not mandated by federal law.

So far, 26 states, including Montana, have laws restricting the barbaric practice of sex changes for minors.

## A “Right” to “Gender-affirming Care”

Phoebe Cross, a 17-year-old “transgender” person and one of the plaintiffs in the original case, argued that the state Legislature was attempting to take away her rights, [saying](#):



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I will never understand why my representatives are working to strip me of my rights and the rights of other transgender kids. Just living as a trans teenager is difficult enough, the last thing me and my peers need is to have our rights taken away.

The American Civil Liberties Union (ACLU), which has been a strong proponent of this butchery for children, agreed. Malita Picasso, an ACLU attorney, said in a [statement](#):

We are so thankful for this opportunity to protect trans youth, their families, and their medical providers from this baseless and dangerous law. Every day that transgender Montanans are able to access this care is a critical and life-saving victory. We will never stop fighting until every transgender person has the care and support they need to thrive.

Montana's Gov. Greg Gianforte, a Republican, disagreed:

Children who struggle with gender identity deserve love, compassion, and respect. They deserve no ridicule, animus, or seclusion. They are entitled to protection, not exploitation. While their young minds and bodies are still developing, they should not be subjected to experimental and permanent, life-altering medical and surgical procedures.

The state's incoming Senate president, Republican Matt Regier, said that the court "sided with liberals at the expense of common sense."

"Children should not be undergoing irreversible, life-altering transgender procedures," Regier said. "The Montana Legislature will keep fighting for Montanans against this woke craziness and keep fighting to rein in our out-of-control branch of government," he added.

While the ACLU and other activists want to frame this issue as "protecting trans children," it's actually about protecting children from these risky experimental and irreversible procedures. With the U.S. Supreme Court also [taking up the issue](#), it seems as though the courts are ready to weigh in on whether the idea of "transgender" youth should even be a consideration.



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