

Monday, March 3, 2025

Dear Governor Spencer Cox:

The **American Civil Liberties Union of Utah (ACLU of Utah)** urges you to veto HB252 – State Custody Amendments, a bill that would put transgender people in Utah’s correctional and secure care facilities at grave risk of harm. HB252 strips decision-making power from those best positioned to ensure the safety of trans youth in state custody and bans initiating medically necessary care for both trans adults and youths in violation of Utah’s constitutional obligations.

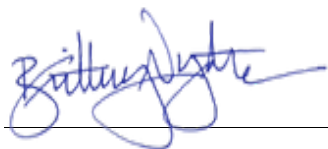
HB252 removes even the basic housing review risk assessment process for youth that the Legislature granted to trans adults in correctional facilities last year. Without this safeguard, trans youth will be placed in unsafe and inappropriate housing assignments, exposing them to heightened risks of physical and sexual violence. This bill does not improve safety—it subjects vulnerable children to unnecessary suffering and danger. Moreover, transgender youth are caught in the juvenile legal system due to facing hardships like being unhoused and targeted enforcement. Young people especially need safety and security in their living space. This bill will expose trans youth to avoidable risks of harm and sexual violence that run afoul of the state’s duty to protect Utahns from harm while in state custody.

For both trans youth and adults, HB252 contravenes the constitutional protections afforded to incarcerated individuals to have medically necessary care provided in state facilities. The United States Supreme Court has repeatedly affirmed that the U.S. Constitution imposes a paramount duty of care on the state to provide necessary medical, mental health, and dental care to incarcerated persons. The Utah Supreme Court has likewise recognized that the Utah Constitution independently imposes obligations to provide care to people in state custody and not to expose them to unnecessary rigor. HB252 violates these fundamental legal principles by denying medically necessary care to transgender individuals, including treatments recognized as life-saving by the American Medical Association, the American Academy of Pediatrics, and the American Psychiatric Association. Safe and appropriate housing is also a medical necessity—forcing transgender individuals into housing that does not align with their gender identity increases risks to both their physical and mental health, compounding the harm caused by denying them essential care.

HB252 is a direct attack on the rights of incarcerated people and a clear violation of established legal protections. You have a constitutional duty to veto this bill, not just a political choice. Your veto would reaffirm the rule of law and send a message that Utah will not abandon its duty to protect the rights of all individuals in its care. Prisons and other state facilities house some of the most medically vulnerable people in our communities, and access to necessary medical care—including gender-affirming care—is a constitutional obligation.

Beginning in 2023, you have signed every bill restricting or eroding the rights of trans Utahns the Legislature has sent to your desk—bills that have stripped transgender Utahns of opportunity, dignity, autonomy, essential medical care, and safety. HB252 is an injustice to the trans community that removes decision-making from professionals and fails to uphold Utah’s obligations under the U.S. and Utah Constitutions.

Sincerely,



Brittney Nystrom
Executive Director
ACLU of Utah

CC:
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