

Executive Orders on Reproductive and Gender-Based Healthcare

Insights

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The Trump Administration has recently issued multiple executive orders and taken other actions impacting reproductive and gender-affirming healthcare services. This is a rapidly evolving area and these actions may have different implications depending on a client's particular circumstances, applicable state and local laws, and further developments including potential legal challenges. As such, we encourage clients to contact us with specific questions about the status and impact of any of these actions. Recent executive actions impacting reproductive and/or gender-affirming healthcare in the United States include:

- **January 24, 2025 Executive Order titled "[Enforcing the Hyde Amendment](#)."** [Abortion Care] This Order declares that "[i]t is the policy of the United States, consistent with the Hyde Amendment, to end the forced use of Federal taxpayer dollars to fund or promote elective abortion" and revokes two executive orders issued by the Biden Administration aimed at expanding access to reproductive healthcare services, including abortion. The Hyde Amendment is a statutory rider included, since 1977, in annual appropriations legislation that prohibits using federal funds from the Departments of Health and Human Services (HHS) and others for most abortion services.
- **January 20, 2025 Executive Order titled "[Defending Women from Gender Ideology Extremism and Restoring Biological Truth to the Federal Government](#)."** [Transgender Issues] This Order instructs the Executive Branch to enforce all "sex-protective laws" to promote "the policy of the United States to recognize two sexes, male and female" and requires federal agencies to interpret and apply statutes, regulations, and guidance—including all those relevant to healthcare—using the definitions of "sex," "male," "female," "men," "women," "boys," and "girls" as defined in the Order. Further, the Order provides that each agency shall "assess grant conditions and grantee preferences and ensure [federal] funds do not promote gender ideology."
- **January 28, 2025 Executive Order titled "[Protecting Children from Chemical and Surgical Mutilation](#)."** [Pediatric Gender-Affirming Care] This Executive Order aims to end the funding, support, and delivery of services that the Order characterizes as "irreversible medical interventions" to "change a child's sex." The Order describes these interventions as "chemical and surgical mutilation" and includes within this definition puberty blockers, hormone treatments, and surgeries. It mandates the rescission of prior policies based on guidance from the World Professional Association for Transgender Health, calls for a review

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of best practices for children with gender dysphoria, and directs federal agencies to ensure that institutions receiving federal grants cease these practices. Additionally, the Order instructs the Department of Defense to exclude such procedures from TRICARE coverage and the Office of Personnel Management to exclude them from federal health benefits programs, while also supporting legislation for a private right of action for affected children and parents.

In addition to these recent Orders, the Trump Administration has also rescinded past Executive Orders from prior administrations impacting reproductive health and gender-affirming care.

Neither the full scope nor specific impact of these actions on reproductive or gender-affirming healthcare services is immediately clear. Some aspects of these actions require further rulemaking or action by administrative agencies and therefore may not be enforceable for at least several months. However, other provisions relate to Department of Justice enforcement priorities, which may have immediate effects, both in terms of their chilling effect as well as effects on investigations and legal challenges.

Alongside these Executive Orders, the Office of Management and Budget (OMB) released a now-rescinded memorandum entitled “Temporary Pause of Agency Grant, Loan, and Other financial Assistance” (M-25-13) late on Monday, January 27, 2025. This memorandum ordered agencies to implement a funding freeze for “all activities related to obligations or disbursement of all Federal financial assistance, and other relevant agency activities that may be implicated by the executive orders,” including those discussed above. After the U.S. District Court for the District of Columbia entered an administrative stay of the Memorandum in *National Council of Nonprofits*, OMB rescinded the memorandum, but questions remain as to whether Federal funding may still be impacted and the breadth of such impacts. At the time of writing, OMB is taking the position that the lawsuit is mooted by the rescission and the plaintiffs disagree. A separate suit was also filed by 22 State Attorneys General before the U.S. District Court for the District of Rhode Island, and during a Wednesday hearing, the court indicated an intent to enter a Temporary Restraining Order despite the rescission of the memorandum based on additional statements concerning funding freezing by the White House press secretary.

Some of President Trump’s executive actions have already been subjects of litigation and are anticipated to face further court challenges. Legal challenges over the interpretation and implementation of these executive actions and/or subsequent agency actions are also likely. Further litigation challenging these orders could continue to alter the legal landscape for providers. As such, we encourage clients to contact us with specific questions about the impact of these actions.

Finally, the Orders signal the likelihood of future regulations and guidance that impact reproductive and gender-affirming healthcare services. For example, the Trump Administration may seek related changes in the HIPAA Privacy Rule, and modifications to HHS’s interpretation of the scope of the Emergency Medical Treatment and Labor Act (EMTALA) in labor and other reproductive healthcare settings.

Although less relevant for health care providers in the United States, on January 24, 2025, the White House issued a memorandum to the Secretaries of State, Defense, and Health and Human Services and the Administrator of the United States for International Development reinstating the so-called “Mexico City policy” or “global gag rule.” This policy has been rescinded and reinstated along party lines since its initial adoption by the Reagan administration in 1984, and it broadly prohibits foreign non-governmental organizations that receive United States federal funds from providing information, referrals, or services for abortion care. This Order reinstates the version of the policy from President Trump’s first term, which applies the prohibition to most global health assistance funded by the United States.

We will continue to monitor and update clients about these developments. HLB’s Government Relations & Public Policy Professionals are also available to answer questions about executive orders and other political developments.

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