



**COMMONWEALTH of VIRGINIA**  
*Office of the Attorney General*

**Jason S. Miyares**  
Attorney General

202 North 9th Street  
Richmond, Virginia 23219  
8804-786-2071  
FAX 804-786-1991  
Virginia Relay Services  
800-828-1120

**To:** University of Virginia and Virginia Commonwealth University

**From:** Attorney General Jason Miyares

**Date:** January 30, 2025

**Re:** Protecting Children from Chemical and Surgical Mutilation  
*Attorney Client Privilege*

On January 28, 2025, the President issued a federal Executive Order titled “Protecting Children from Chemical and Surgical Mutilation.” The full text of the Executive Order can be found here: <https://www.whitehouse.gov/presidential-actions/2025/01/protecting-children-from-chemical-and-surgical-mutilation/>.

As the Executive Order takes effect immediately, I write to provide this prompt legal advice to enable the Commonwealth—including its agencies—to protect itself from significant legal risk and substantial financial exposure. Given the plain terms of this Executive Order, the chemical and surgical mutilation of children must end immediately. Any institution that continues to engage in such mutilation unacceptably and unjustifiably endangers not only itself and the Commonwealth, but also the vulnerable children of this Commonwealth.

In most relevant part, the Executive Order:

- Defines “child” or “children” as “an individual or individuals under 19 years of age.”
- Defines “chemical and surgical mutilation” as “the use of puberty blockers, including GnRH agonists and other interventions, to delay the onset or progression of normally timed puberty in an individual who does not identify as his or her sex; the use of sex hormones, such as androgen blockers, estrogen, progesterone, or testosterone, to align an

individual's physical appearance with an identity that differs from his or her sex; and surgical procedures that attempt to transform an individual's physical appearance to align with an identity that differs from his or her sex or that attempt to alter or remove an individual's sexual organs to minimize or destroy their natural biological functions. This phrase sometimes is referred to as 'gender affirming care'."

- Directs the head of each federal department or agency that provides research or education grants to medical institutions, including medical schools and hospitals, consistent with applicable law and in coordination with the Director of the Office of Management and Budget, to immediately take appropriate steps to ensure that institutions receiving Federal research or education grants end the chemical and surgical mutilation of children.
- Directs the Secretary of HHS to, consistent with applicable law, take all appropriate actions to end the chemical and surgical mutilation of children, including regulatory and sub-regulatory actions, which may involve programs including Medicare or Medicaid conditions of participation or conditions for coverage.
- Directs the United States Attorney General to draft, propose, and promote legislation to enact a private right of action for children and parents of children whose healthy body parts have been damaged by medical professionals practicing chemical and surgical mutilation, which should include a lengthy statute of limitations.

The Order directs federal agencies to immediately ensure that medical institutions that receive federal research or education grants end chemical and surgical mutilation of children. Any hospital or other institution, including agencies of the Commonwealth, that continues to perform chemical and surgical mutilation of children is at risk of losing such grants. Of note, the grants are not just limited to those related to this subject matter, but could apply to all medical and research grants from federal agencies. Any state entities that continue to chemically and surgically mutilate children pose multiple substantial and unwarranted risks to the Commonwealth.

In addition, the Executive Order directs the Secretary of HHS to take actions to end these practices, including regulatory and sub-regulatory actions that may involve Medicare or Medicaid conditions of participation / coverage. Any state institution that continues to chemically and surgically mutilate children risks violating such regulations and being terminated from participation in the Medicare and Medicaid programs.

The Executive Order also directs the United States Attorney General to promote legislation to create a private cause of action concerning the identified practices. Such a law would further enable victims to pursue lawsuits and could create significant liability for those institutions and individuals who perform and are involved with the chemical and surgical mutilation of children in addition to the exposure they already face under existing law.

The Executive Order also includes provisions concerning enforcement of genital mutilation and consumer protection laws, proposals to address whistleblower standards, and other matters which warrant additional attention and review.

The chemical and surgical mutilation of children must stop immediately. Hospitals and institutions that continue to mutilate children place themselves at significant legal risk and face substantial financial exposure. Given these risks, my office will be closely monitoring this issue and the actions of the Commonwealth's agencies.