

CAUSE NO. _____

THE STATE OF TEXAS,
Plaintiff,

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IN THE DISTRICT COURT OF

v.

COLLIN COUNTY, TEXAS

MAY C. LAU, M.D.,
Defendant.

_____ JUDICIAL DISTRICT

**PLAINTIFF’S VERIFIED ORIGINAL PETITION AND REQUEST
FOR AN APPLICATION FOR TEMPORARY AND PERMANENT INJUNCTIONS**

1. The debate in Texas on the legality of dangerous and experimental medical procedures seeking to transition or affirm a child’s belief that their gender identity is inconsistent with their biological sex is over.

2. Texas law prohibits surgeries, puberty blockers, and cross-sex hormones for the purposes of transitioning a child’s biological sex or affirming a child’s belief that their gender identity is inconsistent with their biological sex. Tex. Health & Safety Code § 161.702.

3. The Supreme Court of Texas held that the law was constitutional. *State v. Loe*, 692 S.W.3d 215 (Tex. 2024).

4. Today, enforcement begins against those who have violated the law by providing, prescribing, administering, or dispensing cross-sex hormones to minors for the purposes of transitioning their biological sex or affirming the child’s belief that their gender identity is inconsistent with their biological sex.

5. Plaintiff, STATE OF TEXAS, by and through the Attorney General of Texas, KEN PAXTON, complains of Defendant, MAY C. LAU, M.D. and will show Lau has engaged in deceptive trade practices, including by misleading pharmacies, insurance providers, and/or

patients by falsifying medical records, prescriptions, and billing records to represent that her testosterone prescriptions are for something other than transitioning a child's biological sex or affirming a child's belief that their gender identity is inconsistent with their biological sex.

6. Lau is a scofflaw who is putting the health and safety of minors at risk by prescribing testosterone, a controlled substance, to biological female minors for the purposes of transitioning their biological sex or affirming their belief that their gender identity is inconsistent with their biological sex in violation of Tex. Health & Safety Code § 161.702(3). *See* Tex. Occ. Code § 164.052(a)(24) (each violation separately violates the Texas Medical Practice Act); *see also* Tex. Occ. Code § 164.0552 (each violation serves as an independent ground for revocation of Lau's medical license).

7. Lau is also violating Tex. Bus. & Com. Code §§ 17.46(a), (b)(5), (24), by engaging in false, misleading, and deceptive acts and practices to mislead pharmacies, insurance providers, and/or patients by falsifying medical records, prescriptions, and billing records to represent that her testosterone prescriptions are for something other than transitioning a child's biological sex or affirming a child's belief that their gender identity is inconsistent with their biological sex.

8. Lau must be held accountable for her use, on at least 21 minor patients, of these illegal, dangerous, and experimental medical procedures for the purposes of transitioning their biological sex or affirming their belief that their gender identities are inconsistent with their biological sex.

I. PARTIES

9. Defendant is MAY C. LAU, M.D. (NPI# 1750351375), an employee of the University of Texas Southwestern Medical Center ("UT Southwestern") in Dallas, Texas. She

holds hospital privileges at Childrens Medical Center Dallas and Children’s Medical Center Plano. Lau may be served with process at UT Southwestern, 5323 Harry Hines Blvd. Dallas, TX 75390.

II. DISCOVERY CONTROL PLAN

10. Discovery in this case should be conducted under Level 3 pursuant to Tex. R. Civ. P. 190.4. This case is not subject to the restrictions of expedited discovery under Tex. R. Civ. P. 169 because Texas seeks nonmonetary injunctive relief.

11. Additionally, Texas claims entitlement to monetary relief in an amount greater than **\$1,000,000**, including civil penalties, reasonable attorney’s fees, litigation expenses, restitution, and costs.

III. JURISDICTION AND VENUE

12. Texas Occ. Code § 161.706(b) provides that venue is proper in “the county where the violation occurred or is about to occur.”

13. Venue of this suit lies in Collin County, Texas pursuant to Texas Bus. & Com. Code § 17.47(b), because transactions forming the basis of this suit occurred in Collin County, Texas and Lau’s unlawful conduct occurred in Collin County, Texas.

IV. PUBLIC INTEREST

14. Lau violated Tex. Health & Safety Code § 161.702, Tex. Bus. & Com. Code § 17.46(a) and is engaged in unlawful practices, as set forth in this petition.

15. Texas has reason to believe that Lau is engaging in, has engaged in or is about to engage in, the unlawful acts or practices set forth below. Texas has further reason to believe Lau has caused injury, loss, and damage to Texas by endangering the health of its citizens. Therefore,

the Consumer Protection Division of the Office of the Attorney General of the State of Texas is of the opinion that these proceedings are in the public interest.

V. TRADE AND COMMERCE

16. At all times described below, Lau engaged in conduct, the purported practice of medicine, which constitutes “trade” and “commerce” as defined in Tex. Bus. & Com. Code § 17.45(6).

VI. NO NOTICE BEFORE SUIT

17. The Consumer Protection Division has reason to believe that Lau “is engaging in, has engaged in, or is about to engage in any act or practice declared to be unlawful ... and that proceedings would be in the public interest....” Tex. Bus. & Com. Code § 17.47(a).

18. The Consumer Protection Division did not contact Lau before filing suit to notify her “in general of the alleged unlawful conduct” because it is the opinion of the Consumer Protection Division that Lau likely “would destroy” or alter “relevant records if prior contact were made.” *Id.*

VII. APPLICABLE LAW

19. Texas Bus. & Com. Code § 17.46(a) prohibits “false, misleading, or deceptive acts or practices in the conduct of any trade or commerce.”

20. Texas Bus. & Com. Code § 17.47 authorizes the Consumer Protection Division to bring an action for temporary and permanent injunction whenever it has reason to believe that any person is engaged in, in has engaged in, or is about to engage in any act or practice declared unlawful under Chapter 17 of the Business and Commerce Code.

VIII. FACTUAL BACKGROUND

A. *Texas Prohibits the Provision of Puberty Blockers and Cross-Sex Hormones to Minors for the Treatment of Gender Dysphoria.*

21. On May 17, 2023, the Legislature added Subchapter X to the Health and Safety Code, entitled “Gender Transitioning and Gender Reassignment Procedures and Treatments for Certain Children (SB 14).” Act of May 17, 2023, 88th Leg., R.S., ch. 335; *Loe*, 692 S.W.3d at 223.

22. Senate Bill 14 prohibits physician and health care providers from performing certain procedures or treatments when performed to (1) “transition[] a child’s biological sex as determined by the sex organs, chromosomes, and endogenous profiles of the child”; or (2) “affirm[] the child’s perception of the child’s sex if that perception is inconsistent with the child’s biological sex.” Tex. Health & Safety Code § 161.702.

23. The effective date for SB14 was September 1, 2023.

24. Senate Bill 14 added Tex. Health & Safety Code § 161.702(3), which prohibits physicians from knowingly prescribing the following to transition a child’s biological sex or affirm a child’s perception of their sex if it is different from their biological sex: “(A) puberty suppression or blocking prescription drugs to stop or delay normal puberty; (B) supraphysiologic doses of testosterone to females; or (C) supraphysiologic doses of estrogen to males.”

25. Physicians were permitted to prescribe to patients already subject to a continuing course of treatment that began prior to June 1, 2023, and who attended at least 12 mental health counseling or psychotherapy sessions over a period of at least six months prior to starting treatment, provided that the prescriptions were for the purpose of “wean[ing] off the prescription drug over a period of time and in a manner that is safe and medically appropriate and that minimizes the risk of complications.” Tex. Health & Safety Code § 161.703(b)-(c).

26. Senate Bill 14 also added Tex. Occ. Code § 164.052(a)(24), which proscribed physicians from “perform[ing] a gender transitioning or gender reassignment procedure or treatment in violation of [Tex. Health & Safety Code § 161.702].”

27. Finally, SB14 added Tex. Occ. Code § 164.0552, which commands that the Texas Medical Board “*shall revoke* the license or other authorization to practice medicine of a physician who violates [Tex. Health & Safety Code § 161.702].” (emphasis added).

B. *The Texas Supreme Court Held That SB 14 is Constitutional.*

28. Before SB 14 took effect several minors, parents of minors, and physicians brought suit in Travis County, TX, alleging a variety of constitutional challenges to the law. *Loe*, 692 S.W.3d at 222.

29. On August 25, 2023, a Travis County District Court entered a temporary injunction enjoining enforcement of SB 14. *Id.*

30. Texas appealed directly to the Texas Supreme Court, thereby dissolving the temporary injunction. *Id.*

31. On September 1, 2023, the Texas Supreme Court allowed SB 14 to take effect during the pendency of the appeal. *Id.*

32. On June 28, 2024, the Supreme Court of Texas reversed and vacated the trial court’s Temporary Injunction Order after rejecting each of the plaintiffs’ constitutional challenges to SB 14. *Id.* at 239.

C. *Lau is a Radical Gender Activist.*

33. Lau “specializes in adolescent female and male sexual and reproductive health, including ... gender dysphoria” *Biography of May Lau, M.D.*, UT Southwestern (accessed October 8, 2024), <https://tinyurl.com/259556bc>.

34. Lau serves as “Medical Director of the Adolescent and Young Adult clinic at Children’s Medical Center Dallas.” *Id.*

35. Lau has published extensively advocating for the medical transition of children’s biological sex, contributing to the following:

- i. Tri Pham, *et al.*, *Transition from Pediatric to Adult Care for Transgender Youth: A Qualitative Study of Patient, Parent, and Provider Perspectives*, *LGBT Health* (May-Jun 2021), <https://tinyurl.com/5n8jbc6n>.
- ii. Bethany G. Hart, *et al.*, *Developing a Curriculum on Transgender Health Care for Physician Assistant Students*, *Journal of Physician Assistant Education* (Mar. 2021), <https://tinyurl.com/mvbhpy8e>.
- iii. Lauren R. Shaffer, *et al.*, *Gender-affirming hormone therapy in cystic fibrosis – A case of new Pseudomonas infection*, *Respiratory Medicine Case Reports* (2021), <https://tinyurl.com/mv4jp85>.
- iv. Laura E. Kuper, *et al.*, *Body Dissatisfaction and Mental Health Outcomes of Youth on Gender-Affirming Hormone Therapy*, *Pediatrics* (2020), <https://tinyurl.com/5n8s75v8>.
- v. Laura E. Kuper, *et al.*, *Baseline Mental Health and Psychosocial Functioning of Transgender Adolescents Seeking Gender-Affirming Hormone Therapy*, *Journal of Developmental and Behavioral Pediatrics* (Oct/Nov 2019), <https://tinyurl.com/4wxxzes5>.

36. Approximately 20% of the publications listed in Lau’s biography relate to gender transitioning. *Biography of May Lau, M.D.*, <https://tinyurl.com/259556bc>.

37. On January 8, 2020, Lau and her physician's assistant, Patti Pagels MPAS, PA-C, gave a presentation entitled *Transgender Care of Adolescents and Adults*, Youtube (Jan. 8, 2020), <https://tinyurl.com/mkt4pzs3> wherein they asserted:

- i. That Lau alters her patient's medical records to reflect their preferred name, sex, and pronouns, which can change on a visit-to-visit basis, something that is apparently "fairly typical [and] kind of persists into adulthood" for her patients. 20:59-22:40.
- ii. That "adolescents' gender identity is fluid so from one day or one point in time they say no, I'm this, I'm female, but then realize later on that I'm male." 28:08-28.
- iii. That "we're not sure about the safety and long-term effects of puberty suppression in youth with gender dysphoria we do know that this is safe to use in youth with precocious puberty, but we don't know if we can translate those side effects and the long-term effects to those with gender dysphoria and who are using puberty suppression for those reasons." 28:28-46.
- iv. That "some of the consequences of hormone therapy are permanent." 29:57-30:09.
- v. That biological females that take testosterone to transition their biological sex "will get some atrophy of the vagina ... [and thereafter for the duration of their life] they'll need some sort of water-based lubricant if they're going to still use the vagina as part of sex" 32:41-52.
- vi. That "it's so important that these folks get identified in childhood because when they come to me and are 30 or 40 years old and they've been under the influence of their gender hormones all this time it's very hard to reverse it. I can't take somebody that's, you know, five-foot ten and very muscular uh and make them a woman overnight even if they use the clothing and so forth "33:05-39.
- vii. That "testosterone is a powerful hormone, so I tell them that the effect of estrogen is like a feather, you know, just it's just a whiff and whereas testosterone you give a little bit [and] you get a lot of effect." 33:39-59.
- viii. That "I want you to look at the graphic to see that the number of surgeries has increased and continue to increase and many of our patients ... are getting them done. There are more surgeries for the affirm females than the affirm males and we may not know how many people actually are getting gender affirming surgery because some of them are going to Thailand,

they're going to Europe, they're going to other counties to get this done because its much cheaper." 37:37-38:13.

- ix. "There's a recent study May 2018 that suggests the timing of top surgery or breast surgery for affirm males should be based on physical and mental health status of the youth not by a specific age and *I will tell you that we have had youth in our clinic come in who have had top surgery before they have even started hormone treatment.*" 39:39-40:05 (emphasis added).

38. Lau was previously associated with the now dissolved Gender Education and Care Interdisciplinary Support (GENECIS) Program, which was dedicated to using medical interventions to transition the biological sex of children or affirm a child's beliefs that their gender identity is inconsistent with their biological sex. May Lau, M.D., and Patti Pagels MPAS, PA-C, *Transgender Care of Adolescents and Adults*, Mid-Atlantic Chapter of the Medical Library Association (Jan. 8, 2020), <https://tinyurl.com/mry8wtv9>.

39. Ximena Lopez, M.D., the founder of the GENECIS, shuttered the program and high-tailed it to California shortly after SB 14 was enacted. Paul Hunter, *Texas ban on gender-affirming care leaves trans teens without options*, CBC News (July 5, 2023), <https://tinyurl.com/4r6c8kr5> (Lopez declaring that medically transitioning children is "one of the most important things I've done in my life" and stating that she was leaving Texas because she thinks the whole state is "crazy.").

40. Lopez and Lau are co-authors on several publications advocating for the medical transition of minors diagnosed with gender dysphoria. *Biography of May Lau, M.D.*, <https://tinyurl.com/259556bc>.

41. Lau and the staff of GENECIS were thanked for assisting with a medical student's dissertation on transitioning minors from their biological sex. Antoinette Moore, *Health Related*

Quality of Life of Transgender Adolescents Undergoing Hormonal Transition or Elective Pubertal Delay, UT Southwestern (2018), <https://tinyurl.com/3y6jwv7y>.

42. Lau's practices, publications, and presentations betrays an entrenched commitment to a gender ideology that desires to medically transition the biological sex of children or affirm the belief that a child's gender identity is inconsistent with their biological sex.

IX. VIOLATIONS OF SB 14.

43. Lau has knowingly violated Tex. Health & Safety Code § 161.702(3).

A. *Cross-Sex Hormones to Transition Biological Sex or Affirm a Child's Belief that their Gender Identity is Inconsistent with their Biological Sex.*

44. High dose cross-sex hormones are commonly used by gender activists to transition the biological sex of children or affirm a child's belief that their gender identity is inconsistent with their biological sex.

45. High dose cross-sex hormones are prescribed to induce a supraphysiologic state where the hormone levels are greater than would otherwise normally be present in the child's body.

46. As a result of the hormones, the child will develop secondary sex characteristics.

47. Testosterone is a cross-sex hormone that is prescribed to transition biological females to biological males with irreversible male secondary sex characteristics.

48. Testosterone is a Schedule III controlled substance.

49. Radical gender activists within the medical profession rely on the so-called "Standards of Care" promulgated by the World Professional Association of Transgender Health (WPATH) as guidelines for transitioning the biological sex of children or affirming a child's belief that their gender identity is inconsistent with their biological sex. *See e.g.* Selena Simmons-Duffin, *Rachel Levine calls state anti-LGBTQ bills disturbing and dangerous to trans youth*, NPR (Apr. 29,

2022) (claiming that the standard for treating gender dysphoria is set by the WPATH), <https://tinyurl.com/3jxymtum>.

50. WPATH recommends that a doctor transitioning the biological sex of children or affirming a child's belief that their gender identity is inconsistent with their biological sex prescribe enough testosterone to induce the same level that would be present in a biological male. Standards of Care 8, WPATH pg. 110 (2023), <https://tinyurl.com/32z3bnhr>.

B. Lau's Testosterone Prescribing

51. WPATH recommends transitioning the biological sex of children or affirming a child's belief that their gender identity is inconsistent with their biological sex by prescribing injectable testosterone cypionate at 100-200 mg. so as to induce a state of male puberty in a biological female such that she will develop irreversible male secondary sex characteristics, *Standards of Care 8*, WPATH App'x C, <https://tinyurl.com/32z3bnhr>.

52. WPATH recommends "induction of male puberty" in a biological female minor by prescribing testosterone esters at "25mg/m²/2 weeks (or alternatively half this dose weekly). Increase by 25 25mg/m²/2 weeks every 6 months until adult dose and target testosterone levels achieved." *Id.*

53. WPATH alternatively recommends the following testosterone regime for biological females to induce male secondary sex characteristics, "testosterone enanthate/cypionate 50-100 IM/SQ weekly or 100-200 IM every 2 weeks." *Id.*

54. A "testosterone cypionate injection is use[d] to treat **males** whose bodies do not make enough natural testosterone, a condition called hypogonadism. Testosterone is a male hormone responsible for the growth and development of the male sex organs and maintenance of

secondary sex characteristics. **This medicine is not for use in female patients.**” TESTOSTERONE CYPIONATE, Mayo Clinic (accessed October 15, 2024) (emphasis added), <https://tinyurl.com/558b8fcv>.

55. The Federal and Drug Administration warns that testosterone cypionate “**is contraindicated in pregnant women and not indicated for use in females.**” TESTOSTERONE CYPIONATE INJECTION, FDA (June 2022) (emphasis added), <https://tinyurl.com/4psvbdeb>.

56. Lau has violated the law by providing, prescribing, administering, or dispensing testosterone to minor patients for the purposes of transitioning their biological sex or affirming their belief that their gender identity is inconsistent with their biological sex:

Patient One¹

57. Patient One resides in Collin County, TX.

58. Patient One was 17 years old during the relevant time.

59. Lau identifies Patient One as a biological female.

60. On October 2, 2023, after SB 14 went into effect, Lau wrote Patient One a prescription for a 14-day supply of 200 mg/ml of testosterone cypionate.

61. The prescriptions purpose is for transitioning her biological sex or affirming her belief that her gender identity is inconsistent with her biological sex.

62. On October 12, 2023, Patient One filled the prescription at a pharmacy located in Collin County, TX.

63. Later, Patient One turned 18 years old and, thereafter, Lau continued to provide, prescribe, administer, or dispense testosterone.

¹ Pseudonyms are used throughout to protect the identity of the victim minor patients.

64. The prescriptions purpose is for transitioning her biological sex or affirming her belief that their gender identity is inconsistent with her biological sex.

Patient Two

65. Patient Two resides in Collin County, TX.

66. Patient Two was 17 years old during the relevant time.

67. Lau identifies Patient Two as a biological female.

68. On October 9, 2023, after SB 14 went into effect, Lau wrote Patient Two a prescription for a 90-day supply of 200 mg/ml of testosterone cypionate.

69. The prescriptions purpose is for transitioning her biological sex or affirming her belief that her gender identity is inconsistent with her biological sex.

70. The same day, Patient Two filled the prescription at a pharmacy located in Collin County, TX.

Patient Three

71. Patient Three resides in Denton County, TX.

72. Patient Three was 17 years old during the relevant time.

73. Lau identifies Patient Three as a biological male, but upon information and belief, Patient Three may be a biological female.

74. On August 25, 2023, Lau wrote Patient Three a prescription for a 21-day supply of 200 mg/ml of testosterone cypionate with orders to fill the prescription after SB 14 took effect.

75. The prescriptions purpose is for transitioning their biological sex or affirming their belief that their gender identity is inconsistent with their biological sex.

76. On January 7, 2024, 135-days after the prescription was written and after SB 14 went into effect, Patient Three filled the prescription at a pharmacy located in Denton County, TX.

77. On February 23, 2024, Lau wrote Patient Three a prescription for a 30-day supply of 200 mg/ml of testosterone cypionate.

78. The prescriptions purpose is for transitioning their biological sex or affirming their belief that their gender identity is inconsistent with their biological sex.

79. On February 25, 2024, Patient Three filled the prescription at a pharmacy located in Denton County, TX.

80. Later, Patient Three turned 18 years old and, thereafter, Lau continued to provide, prescribe, administer, or dispense testosterone to them.

81. The prescriptions purpose is for transitioning their biological sex or affirming their belief that their gender identity is inconsistent with their biological sex.

Patient Four

82. Patient Four resides in Dallas County, TX.

83. Patient Four was 16 during the relevant time.

84. Lau identifies Patient Four as a biological female.

85. On August 31, 2023, Lau wrote Patient Four two prescriptions for a 28-day supplies of 200 mg/ml of testosterone cypionate with orders to fill the prescription after SB 14 took effect.

86. The prescriptions purposes is for transitioning her biological sex or affirming her belief that her gender identity is inconsistent with her biological sex.

87. On September 1, 2023, after SB 14 went into effect, Patient Four filled the prescription at a pharmacy located in Travis County, TX.

88. On October 28, 2023, Patient Four refilled the prescription at a pharmacy located in Travis County, TX.

89. On March 26, 2024, Lau wrote Patient Four two prescriptions for a 28-day supply of 200 mg/ml of testosterone cypionate.

90. On March 28, 2024, Patient Four filled the prescription at a pharmacy located in Travis County, TX.

91. On July 26, 2024, Patient Four refilled the prescription at a pharmacy located in Travis County, TX.

Patient Five

92. Patient Five resides in Collin County, TX.

93. Patient Five was 16 years old at the relevant time.

94. Lau identifies Patient Five as a biological male, but upon information and belief, Patient Five may be a biological female.

95. On August 17, 2023, Lau wrote Patient Five a prescription for a 28-day supply of 200 mg/ml of testosterone cypionate with orders to fill the prescription both before and after SB 14 took effect.

96. The prescriptions purpose is for transitioning their biological sex or affirming their belief that their gender identity is inconsistent with their biological sex.

97. On October 7, 2023, after SB 14 went into effect, Patient Five filled the prescription at a pharmacy located in Collin County, TX.

98. On November 14, 2023, Lau wrote Patient Five a prescription with five refills for 28-day supplies of 200 mg/ml of testosterone cypionate.

99. The prescriptions purpose is for transitioning their biological sex or affirming their belief that their gender identity is inconsistent with their biological sex.

100. The same day, Patient Five filled the prescription at a pharmacy located in Collin County, TX.

101. On December 11, 2023, Patient Five refilled the prescription at a pharmacy located in Collin County, TX.

102. On January 17, 2024, Patient Five refilled the prescription at a pharmacy located in Collin County, TX.

103. On March 11, 2024, Patient Five refilled the prescription at a pharmacy located in Collin County, TX.

104. On April 12, 2024, Patient Five refilled the prescription at a pharmacy located in Collin County, TX.

105. On June 21, 2024, Lau wrote Patient Five multiple prescriptions for 22-day supplies of 200 mg/ml of testosterone cypionate.

106. The prescriptions purpose is for transitioning their biological sex or affirming their belief that their gender identity is inconsistent with their biological sex.

107. On June 24, 2024, Patient Five filled the prescription a pharmacy located in Collin County, TX.

108. On July 13, 2024, Patient Five refilled the prescription a pharmacy located in Collin County, TX.

109. On August 18, 2024, Patient Five refilled the prescription a pharmacy located in Collin County, TX.

Patient Six

110. Patient Six resides in Collin County, TX.

111. Patient Six was 17 years old at the relevant time.

112. Lau identifies Patient Six as a biological male, but upon information and belief, Patient Six may be a biological female.

113. On August 30, 2023, Lau wrote Patient Six one prescription with one refill for 84-day supplies of 200 mg/ml of testosterone cypionate with orders to fill the prescription after SB 14 took effect.

114. The prescriptions purpose is for transitioning their biological sex or affirming their belief that their gender identity is inconsistent with their biological sex.

115. On October 24, 2023, 55-days after Lau wrote the prescription and after SB 14 went into effect, Patient Six filled the prescription at a pharmacy located in Collin County, TX.

116. On January 22, 2024, Patient Six refilled the prescription at a pharmacy located in Collin County, TX.

117. Later, Patient Six turned 18 years old and, thereafter, Lau continued to provide, prescribe, administer, or dispense testosterone to them.

118. The prescriptions purpose is for transitioning their biological sex or affirming their belief that their gender identity is inconsistent with their biological sex.

Patient Seven

119. Patient Seven resided in Wise County, TX.

120. Patient Seven was 17 at the relevant time.

121. Lau identifies Patient Seven as a biological female.

122. On August 31, 2023, Lau wrote Patient Seven a prescription for an 84-day supply of 200 mg/ml of testosterone cypionate with orders to fill the prescription after SB 14 took effect.

123. The prescriptions purpose is for transitioning their biological sex or affirming their belief that their gender identity is inconsistent with their biological sex.

124. On September 1, 2023, after SB 14 went into effect, Patient Seven filled the prescription at a pharmacy located in Wise County, TX.

125. Later, Patient Seven turned 18 years old and, thereafter, Lau continued to provide, prescribe, administer, or dispense testosterone to them.

126. The prescriptions purpose is for transitioning their biological sex or affirming their belief that their gender identity is inconsistent with their biological sex.

Patient Eight

127. Patient Eight resides in Dallas County, TX.

128. Patient Eight was 16 years old at the relevant time.

129. Lau identifies Patient Eight as a biological male, but upon information and belief, Patient Eight may be a biological female.

130. On August 28, 2023, Lau wrote Patient Eight a prescription for a 28-day supply of 200 mg/ml of Depo-testosterone with orders to fill the prescription after SB 14 took effect.

131. The prescriptions purpose is for transitioning their biological sex or affirming their belief that their gender identity is inconsistent with their biological sex.

132. On October 16, 2023, 61-days after Lau wrote the prescription and after SB 14 went into effect, Patient Eight filled the prescription at a pharmacy located in Dallas County, TX.

Patient Nine

133. Patient Nine resides in Dallas County, TX.

134. Patient Nine was 14 years old at the relevant time.

135. Lau identifies Patient Nine as a male, but upon information and belief, Patient Nine may be a biological female.

136. On July 5, 2023, Lau wrote Patient Nine a prescription for a 21-day supply of 200 mg/ml of testosterone cypionate with orders to fill the prescription after SB 14 took effect.

137. The prescriptions purpose is for transitioning their biological sex or affirming their belief that their gender identity is inconsistent with their biological sex.

138. On October 27, 2023, 114-days after Lau wrote the prescription and after SB 14 went into effect, Patient Nine filled the prescription at a pharmacy located in Dallas County, TX.

Patient Ten

139. Patient Ten resides in Tarrant County, TX.

140. Patient Ten was 14 years old at the relevant time.

141. Lau identifies Patient Ten as a biological female.

142. On August 29, 2023, Lau wrote Patient Ten two prescriptions for either a 7-day or 28-day supply of 200 mg/ml of testosterone cypionate with orders to fill the prescription after SB 14 took effect.

143. The purpose is for transitioning their biological sex or affirming their belief that their gender identity is inconsistent with their biological sex.

144. On October 2, 2023, after SB 14 went into effect, Patient Ten filled the prescription at a pharmacy located in Tarrant County, TX.

145. On November 1, 2023, Patient Ten refilled the prescription at a pharmacy located in Tarrant County, TX.

146. On December 4, 2023, Patient Ten refilled the prescription at a pharmacy located in Tarrant County, TX.

147. On January 5, 2024, Patient Ten filled the second prescription at a pharmacy located in Tarrant County, TX.

148. On February 12, 2024, Patient Ten refilled the prescription at a pharmacy located in Tarrant County, TX.

Patient Eleven

149. Patient Eleven resides in Kaufman County, TX.

150. Patient Eleven was 14 years old at the relevant time.

151. Lau identifies Patient Eleven as a biological female.

152. On August 29, 2023, Lau wrote Patient Eleven four prescriptions for 28-day supplies of 200 mg/ml of testosterone cypionate with orders to fill the prescription after SB 14 took effect.

153. The purpose is for transitioning their biological sex or affirming their belief that their gender identity is inconsistent with their biological sex.

154. On September 5, 2023, after SB 14 went into effect, Patient Eleven filled the prescription at a pharmacy located in Kaufman County, TX.

155. On October 15, 2023, Patient Eleven refilled the prescription at a pharmacy located in Kaufman County, TX.

156. On November 17, 2023, Patient Eleven refilled the prescription at a pharmacy located in Kaufman County, TX.

157. On January 7, 2024, Patient Eleven refilled the prescription at a pharmacy located in Kaufman County, TX.

Patient Twelve

158. Patient Twelve resides in Rockwall County, TX.

159. Patient Twelve was 14 years old at the relevant time.

160. Lau identifies Patient Twelve as a biological female.

161. On August 31, 2023, Lau wrote Patient Twelve a prescription for a 90-day supply of testosterone 1.62% Gel Pump with orders to fill the prescription after SB 14 took effect.

162. The purpose is for transitioning their biological sex or affirming their belief that their gender identity is inconsistent with their biological sex.

163. On January 19, 2024, 141-days after Lau wrote the prescription and after SB 14 took effect, Patient Twelve filled the prescription at a pharmacy located in Rockwall County, TX.

Patient Thirteen

164. Patient Thirteen resides in Dallas County, TX.

165. Patient Thirteen was 15 years old at the relevant date.

166. Lau identifies Patient Thirteen as a biological female.

167. On July 11, 2023, Lau wrote Patient Thirteen several prescriptions for a 90-day supply of 200 mg/ml of testosterone cypionate with orders to fill the prescription after SB 14 took effect.

168. The purpose is for transitioning their biological sex or affirming their belief that their gender identity is inconsistent with their biological sex.

169. On October 13, 2023, 94-days after Lau wrote the prescription and after SB 14 went into effect, Patient Thirteen refilled the prescription at a pharmacy located in Dallas County, TX.

Patient Fourteen

170. Patient Fourteen resides in Denton County, TX.

171. Patient Fourteen was 15 years old at the relevant time.

172. Lau identifies Patient Fourteen as a biological female.

173. On August 21, 2023, Lau wrote Patient Fourteen a prescription for a 34-day supply of 200 mg/ml of testosterone cypionate with orders to fill the prescription after SB 14 took effect.

174. The purpose is for transitioning their biological sex or affirming their belief that their gender identity is inconsistent with their biological sex.

175. On October 27, 2023, 67-days after Lau wrote the prescription and after SB 14 went into effect, Patient Fourteen filled the prescription at a pharmacy located in Denton County, TX.

Patient Fifteen

176. Patient Fifteen resides in Dallas County, TX.

177. Patient Fifteen was 15 years old at the relevant time.

178. Lau identifies Patient Fifteen as a biological female.

179. On June 23, 2023, Lau wrote Patient Fifteen a prescription for a 21-day supply of 200 mg/ml of testosterone cypionate with orders to fill the prescription after SB 14 took effect.

180. The purpose is for transitioning their biological sex or affirming their belief that their gender identity is inconsistent with their biological sex.

181. On September 11, 2023, 80-days after Lau wrote the prescription and after SB 14 went into effect, Patient Fifteen filled the prescription at a pharmacy located in Dallas County, TX.

Patient Sixteen

182. Patient Sixteen resides in Tarrant County, TX.

183. Patient Sixteen was 15 years old at the relevant time.

184. Lau identifies Patient Sixteen as a biological female.

185. On August 23, 2023, Lau wrote Patient Sixteen a prescription for an 84-day supply of 200 mg/ml of testosterone cypionate with orders to fill the prescription after SB 14 took effect.

186. The purpose is for transitioning their biological sex or affirming their belief that their gender identity is inconsistent with their biological sex.

187. On January 7, 2024, 137-days after Lau wrote the prescription and after SB 14 went into effect, Patient Sixteen filled the prescription at a pharmacy located in Tarrant County, TX.

Patient Seventeen

188. Patient Seventeen resides in Potter County, TX.

189. Patient Seventeen was sixteen years old at the relevant time.

190. Lau identifies Patient Seventeen as a biological female.

191. On August 31, 2023, Lau wrote Patient Seventeen a prescription for a 42-day supply of 200 mg/ml of testosterone cypionate with orders to fill the prescription after SB 14 took effect.

192. The purpose is for transitioning their biological sex or affirming their belief that their gender identity is inconsistent with their biological sex.

193. On September 1, 2023, after SB 14 went into effect, Patient Seventeen filled the prescription at a pharmacy located in Potter County, TX.

Patient Eighteen

194. Patient Eighteen resides in Collin County, TX.

195. Patient Eighteen was 16 years old at the relevant time.

196. Lau identifies Patient Eighteen as a biological male, but upon information and belief, Patient Eighteen may be a biological female.

197. On August 24, 2023, Lau wrote Patient Eighteen a prescription for an 80-day supplies of 200 mg/ml of testosterone 12.5 mg/1.25 g with orders to fill the prescription after SB 14 took effect.

198. The purpose is for transitioning their biological sex or affirming their belief that their gender identity is inconsistent with their biological sex.

199. On October 27, 2023, 64-days after Lau wrote the prescription and after SB 14 went into effect, Patient Eighteen filled the prescription at a pharmacy located in Saint Louis County, MO.

Patient Nineteen

200. Patient Nineteen resides in Collin County, TX.

201. Patient Nineteen was 16 years old at the relevant time.

202. Lau identifies Patient Nineteen as a biological male, but upon information and belief, Patient Nineteen may be a biological female.

203. On August 31, 2023, Lau wrote Patient Nineteen a prescription for a 14-day supply of 200 mg/ml of testosterone cypionate with orders to fill the prescription after SB 14 took effect.

204. The purpose is for transitioning their biological sex or affirming their belief that their gender identity is inconsistent with their biological sex.

205. On October 24, 2023, 54- days after Lau wrote the prescription and after SB 14 went into effect, Patient Nineteen filled the prescription at a pharmacy located in Collin County, TX.

Patient Twenty

206. Patient Twenty resides in Dallas County, TX.

207. Patient Twenty was 17 years old at the relevant time.

208. Lau identifies Patient Twenty as a biological female.

209. On August 31, 2023, Lau wrote Patient Twenty a prescription for a 21-day supply of 200 mg/ml of testosterone cypionate with orders to fill the prescription after SB 14 took effect.

210. The purpose is for transitioning their biological sex or affirming their belief that their gender identity is inconsistent with their biological sex.

211. On November 22, 2023, 83-days after Lau wrote the prescription and after SB 14 went into effect, Patient Twenty filled the prescription at a pharmacy located in Dallas County, TX.

Patient Twenty-One

212. Patient Twenty-one resides in Dallas County, TX.

213. Patient Twenty-one was 17 years old at the relevant time.

214. Lau identifies Patient Twenty-one as a biological female.

215. On August 15, 2023, Lau wrote Patient Twenty-one a prescription for a 14-day supply of 200 mg/ml of testosterone cypionate with orders to fill the prescription after SB 14 took effect.

216. The purpose is for transitioning their biological sex or affirming their belief that their gender identity is inconsistent with their biological sex.

217. On September 10, 2023, after SB 14 went into effect, Patient Twenty-one filled the prescription at a pharmacy located in Dallas County, TX.

218. Later, Lau identifies the now 18-year-old Patient Twenty-one, as a biological male.

* * *

219. Paragraphs 58-219 describe 21 minor patients who Lau has unlawfully treated with testosterone for the purposes of transitioning their biological sex or affirming their belief that their gender identity is inconsistent with their biological sex in violation of SB 14.

220. Some of Lau's medical records for the patients identified in the preceding paragraphs indicate that the patients are male, but upon information and belief, **all of these patients are biological females** and Lau is prescribing to them for the purposes of transitioning their biological sex or affirming their belief that their gender identity is inconsistent with their biological sex. *See also supra* ¶ 37(i) (Lau admitting that she commonly changes the biological sex of her patients in her medical records).

221. Lau cannot circumvent SB 14 by writing prescriptions to her patients *prior* to the SB 14 taking effect with orders to fill or refill the prescriptions *after* it takes effect, see 22 Tex. Admin. Code § 315.3(b)(2) (Schedule III Controlled Substances can be refilled up to five times within six months of the date of issuance), because a "prescription" order is not a singular discrete act, but a continuing act of treatment that begins with the prescription being written and continues through the pharmacist filling the prescription and the drug being used as directed by the patient, or until the written prescription expires or is cancelled, and *alternatively*, because by issuing prescriptions with orders to fill them after the effective date of SB 14 Lau is "providing" the

prescribed medication to the patient at the time they fill and use the prescription as directed, which they could not do otherwise without the prescription.

222. Each and every prescription written by Lau after September 1, 2023, or filled or taken as directed by a patient after September 1, 2023, for the purpose of transitioning the minor's biological sex or affirming their belief that their gender identity is inconsistent with their biological sex violates Tex. Health & Safety Code § 161.702(3).

X. FALSE, MISLEADING, OR DECEPTIVE ACTS

223. Texas incorporates and adopts by reference the allegations contained in each and every preceding paragraph of this Petition.

224. Lau, as alleged herein, has in the course of trade and commerce engaged in false, misleading, and deceptive acts and practices declared unlawful in violation of Tex. Bus. & Com. Code §§ 17. 46(a), (b)(5), (24).

225. Texas Bus. & Com. Code § 17.46(a) prohibits “false, misleading, or deceptive acts or practices in the conduct of any trade or commerce.”

226. As illustrated in the representative example below, Lau deceptively misleads pharmacies, insurance providers, and/or the patients by falsifying patient medical records, prescriptions, and billing records to indicate that the use of puberty blockers for minor patients are for something other than transitioning their biological sex or affirming their belief that their gender identity is inconsistent with their biological sex.

227. Lau also likely deceptively misled pharmacies, insurance providers and/or the patients by falsifying patient medical records, prescriptions and billing records to indicate the use of Testosterone for minor Patients One through Twenty-one for something other than

transitioning their biological sex or affirming their belief that their gender identity is inconsistent with their biological sex.

228. Texas Bus. & Com. Code § 17.46(b)(5) prohibits “representing that goods or services have sponsorship, approval, characteristics, ingredients, uses, benefits, or quantities which they do not have or that a person has a sponsorship, approval, status, affiliation, or connection which the person does not.”

229. As illustrated in the representative example below, Lau deceptively represents that goods or services have approval, characteristics, uses, or benefits which they do not or that a person has a sponsorship, approval, status, affiliation, or connection which the person does not have by falsifying patient medical records, prescriptions, and billing records for something other than transitioning their biological sex or affirming their belief that their gender identity is inconsistent with their biological sex.

230. Texas Bus. & Com. Code § 17.46(b)(24) prohibits “failing to disclose information concerning goods or services which was known at the time of the transaction if such failure to disclose such information was intended to induce the consumer into a transaction if such failure to disclose such information was intended to induce the consumer into a transaction into which the consumer would not have entered had the information been disclosed.”

231. As illustrated in the representative example below, Lau deceptively induces pharmacies, insurance providers, and/or the patients into entering into transactions by falsifying patient medical records, prescriptions, and billing records to indicate that treatments are for something other than transitioning a child’s biological sex or affirming their belief that their gender identity is inconsistent with their biological sex.

A. *Lau uses false diagnoses and billing codes on transgender patients.*

Patient Twenty-Two

232. Patient Twenty-Two, a 15-year-old minor, was first seen by Lau in January 2023.

233. Lau represented that Twenty-two was identified in the medical records as a male at the time.

234. Lau falsely billed Patient Twenty-Two's insurance using the diagnostic code for an endocrine disorder, unspecified (E349).

235. In fact, Lau diagnosed Twenty-two with gender dysphoria and began "treatment" for that condition by prescribing and inserting a puberty blocker device in the patient for the purposes of transitioning their biological sex or affirming their belief that their gender identity is inconsistent with their biological sex.

236. On August 3, 2023, Lau changed Twenty-two's sex to female in the medical and billing records—further proof that Lau was transitioning their biological sex or affirming their belief that their gender identity is inconsistent with their biological sex.

237. Less than a week later, Twenty-two met with Lowell, the founder of Queer Med and who exclusively treats transgender patients, *see What We Do*, QueerMed (accessed October 8, 2024), <https://tinyurl.com/2rr2ff7e>, for a fertility preservation counseling visit.

238. Lowell used the same false diagnostic billing code for endocrine disorder, unspecified (E349), when she was actually providing treatment to Patient Twenty-Two for the purposes of transitioning their biological sex or affirming their belief that their gender identity is inconsistent with their biological sex.

239. Two weeks later, on August 18, 2023, Twenty-two visited Lau who falsely billed for the removal and reinsertion of a puberty blocker for the treatment of an endocrine disorder, unspecified (E349)—when in fact Lau was using puberty blockers for the purposes of transitioning their biological sex or affirming their belief that their gender identity is inconsistent with their biological sex.

240. The same day, Twenty-two was seen by a different provider at Children’s Medical Center of Dallas who correctly used billing codes for gender identity disorder, unspecified (F649).

241. Patient Twenty-Two had follow up visits with Lowell of QueerMed in January and March 2024, where her diagnosis was again falsely billed as an endocrine disorder, unspecified (E349).

242. Thus, even prior to September 1, 2023, and despite other providers correctly diagnosing Twenty-two with gender identity disorder, unspecified (F649), Drs. Lau and Lowell demonstrated a pattern of false, misleading, and deceptive acts by choosing to falsify Patient Twenty-Two’s biological sex, medical records, diagnoses, treatment plan, prescriptions, and billing records to conceal that they were transitioning Patient Twenty-Two’s biological sex or affirming their belief that their gender identity is inconsistent with their biological sex.

B. *Gender dysphoria is not an endocrine disorder.*

243. “Insurance Coding Alternatives for Trans Healthcare,” Campaign for Southern Equality (accessed October 8, 2024), <https://tinyurl.com/5ce62v2d>, purports to assist healthcare providers with instructions on how to use false billing codes to provide medical treatments for the purposes of transitioning a minor’s biological sex or affirming their belief that their gender identity is inconsistent with their biological sex.

244. The fact sheet claims that it is intended to “assist trans people in advocating for themselves with their healthcare providers and insurance companies” and discusses “insurance codes for trans healthcare that are commonly accepted and rejected.” *Id.*

245. The fact sheet notes certain billing codes that are commonly rejected by insurance providers include the F64 set of codes for gender dysphoria or gender identity disorder. *Id.*

246. The fact sheet recommends billing for hormone replacement therapy to transition a minor’s biological sex as an endocrine disorder, unspecified (E34.9).

247. Upon information and belief, Lau is using this diagnostic billing code to falsely represent that she’s treating patients for an unspecified endocrine disorder, when in fact she is transitioning their biological sex or affirming their belief that their gender identity is inconsistent with their biological sex—something that is *not* an endocrine disorder.

248. An endocrine disorder results from the improper function of the endocrine system.

249. Children normally enter puberty reflecting their biological sex. There is no disorder at all. Rather, the disorder results when a physician intervenes in a child’s natural puberty to induce through puberty blockers and cross-sex hormones a state of puberty naturally occurring in the opposite sex. Such physician *causes a disorder* rather than treats one, by introducing supraphysiological dose of a cross-sex hormone to force a child’s body (a biological reality) to fit that child’s gender identity (a mental construct).

250. Here, Lau is engaging in false, misleading, or deceptive practices, by falsely diagnosing and billing patients using the endocrine disorder, unspecified, code instead of the F64 gender related diagnosis codes to conceal that she is transitioning their biological sex or affirming

their belief that their gender identity is inconsistent with their biological sex in violation of Tex. Bus. & Com. Code §§ 17. 46(a), (b)(5), (24).

XI. APPLICATION FOR TEMPORARY AND PERMANENT INJUNCTIONS

251. Texas incorporates and adopts by reference the allegations contained in each and every preceding paragraph of this Petition.

252. Texas has reason to believe that Lau is engaging in, has engaged in, or is about to engage in acts and practices declared to be unlawful under Tex. Health & Safety Code § 161.702(3) and Tex. Bus. & Com. Code §§ 17. 46(a), (b)(5), (24), and believes these proceedings to be in the public interest.

253. Texas is entitled to, and seeks, temporary and permanent injunctions pursuant to Tex. Health and Safety Code § 161.702 as well as Tex. Bus. & Com. Code § 17.47.

254. Cessation of unlawful conduct by Lau shall not render such court action moot under any circumstances. *Id.*

255. Immediate injunctive relief is necessary to prevent continuing harm prior to trial.

256. In addition to the above-requested relief, pursuant to Tex. Civ. Prac. Rem. Code § 65.011 *et seq.* and Tex. R. Civ. P. 680 *et seq.*, to preserve the status quo pending a full trial on the merits, *see Butnaru v. Ford Motor Co.*, 84 S.W.3d 198, 204 (Tex. 2002), the Texas Attorney General's Office request a temporary injunction against Lau that enjoins her from the following until final resolution of this matter:

- i. Prescribing supraphysiologic doses of testosterone and estrogen to minors for the purpose of transitioning their biological sex; and
- ii. Deceptively misleading pharmacies, insurance providers, and/or the patients as to the correct medical diagnosis by writing prescriptions and billing for treatments to transition a child's biological sex under false

diagnoses, such as endocrine disorder, unspecified, rather than gender dysphoria (or other similarly related diagnosis).

XII. PRAYER FOR RELIEF

257. NOW THEREFORE Texas prays that Lau be cited to appear and that after due notice and hearing, a temporary injunction be issued, and that upon final hearing a permanent injunction be issued, restraining and enjoining Lau and all persons in active concert or participation with her, who receive actual notice of the injunction by personal service or otherwise from engaging in false, misleading or deceptive acts and practices declared to be unlawful by Tex. Health and Safety Code § 161.702 and Tex. Bus. & Com. Code § 17. 46(a), (b)(5), (24), including but not limited to:

- i. Prescribing supraphysiologic doses of testosterone and estrogen to minors for the purpose of transitioning their biological sex;
- ii. Deceptively misleading pharmacies, insurance providers, and/or the patients as to the correct medical diagnosis by writing prescriptions and billing for treatments to transition a child's biological sex under false diagnoses, such as endocrine disorder, unspecified, rather than gender dysphoria (or other similarly related diagnosis).

258. TEXAS FURTHER PRAYS that upon final hearing, this Court order:

- i. Adjudge against Lau civil penalties in favor of the State in the amount of not more than \$10,000 per violation of Tex. Bus. & Com. Code § 17. 46(a), (b)(5), (24);
- ii. Order Lau to pay Texas's attorneys' fees and costs of court pursuant to Tex. Gov't Code § 402.006(c);
- iii. Order Lau to pay both pre-judgment ad post-judgment interest on all money awards as provided by law; and
- iv. Grant all other and further relief Texas may show itself entitled to.

Respectfully submitted,

KEN PAXTON
Attorney General of Texas

BRENT WEBSTER
First Assistant Attorney General

RALPH MOLINA
Deputy First Assistant Attorney General

JAMES LLOYD
Deputy Attorney General for Civil Litigation

/s/ Johnathan Stone
JOHNATHAN STONE
Chief, Consumer Protection Division
State Bar No. 24071779

MATTHEW KENNEDY
State Bar No. 24092619
Deputy Chief, Consumer Protection Division

Consumer Protection Division
Office of the Attorney General
P.O. Box 12548
Austin, Texas 78711
Johnathan.Stone@oag.texas.gov
Matt.Kennedy@oag.texas.gov
Telephone: 512-463-2185
Facsimile: 512-473-8301
ATTORNEYS FOR TEXAS

DECLARATION

Pursuant to Tex. Civ. Rem. & Prac. Code § 132.001(f), JOHNATHAN STONE submit this unsworn declaration in lieu of a written sworn declaration, verification, certification, oath, or affidavit required by Texas Rule of Civil Procedure 682. I am an employee of the following governmental agency: Texas Office of the Attorney General. I am executing this declaration as part of my assigned duties and responsibilities. I declare under penalty of perjury that the factual statements in the foregoing are true and correct.

Executed in Travis County, State of Texas, on the 17th day of October, 2024.

/s/ Johnathan Stone

JOHNATHAN STONE
Chief, Consumer Protection Division
State Bar No. 24071779