

Testimony in Support of HB 1249

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Good morning Chair Weisz and honorable members of the House Human Services Committee. My name is Lovita Scrimshaw and I am a physician in Minot, ND and also serve as the North Dakota State Director of the American Academy of Medical Ethics. I am testifying in regard to House Bill 1249 and I respectfully request that you render a “DO PASS” on this bill.

It is scientific fact that there are genetic differences between the male and female sexes in regards to sports performance. The differences relate to how male and female sexes were designed- males are noted to have greater muscle mass, oxidative capacities and lower fat mass¹ and thus males have an advantage at sports. Genetic males as defined in this bill do perform better than females in swimming, jumping, skating, weightlifting, and cycling (among other athletic events) and in this particular study men were found to perform between 5.5% and 36.8% better than females². Elite female runners are 10-12% slower than their male counterparts¹. It is unwise and unfair to genetic females to allow genetic males to participate in female sports.

Another recent journal article states “Males consistently outperform females in athletic endeavors, including running events of standard Olympic distances...It is apparent that females are the disadvantaged sex in sport...The best male athletes consistently outperform their female peers.”³

This is a good and common sense bill. HB 1249 is correct physiologically and I support this bill. If this bill does not pass then genetic females will be discriminated against simply for being designed differently. Again, I recommend a “Do Pass” on this bill.

Thank you for the opportunity to testify on this important matter.

¹ Joyner MJ. Physiological limits to endurance exercise performance: influence of sex. *J Physiol*. 2017 May 1;595(9):2949-2954. doi: 10.1113/JP272268. Epub 2017 Feb 9. PMID: 28028816; PMCID: PMC5407964.

² Thibault V, Guillaume M, Berthelot G, Helou NE, Schaal K, Quinquis L, Nassif H, Tafflet M, Escolano S, Hermine O, Toussaint JF. Women and Men in Sport Performance: The Gender Gap has not Evolved since 1983. *J Sports Sci Med*. 2010 Jun 1;9(2):214-23. PMID: 24149688; PMCID: PMC3761733.

³ Hallam LC, Amorim FT. Expanding the Gap: An Updated Look Into Sex Differences in Running Performance. *Front Physiol*. 2022 Jan 4;12:804149. doi: 10.3389/fphys.2021.804149. PMID: 35058806; PMCID: PMC8764368.