Dear Senators, I am writing in opposition to HB 1297. I ask that you give this bill a Do Not Pass.

I would like to reference one case report, “The Power and Limits of Classification — A 32-Year-Old Man with Abdominal Pain”, of a transgender man admitted with intermittent abdominal pain that unfortunately resulted in the delivery of a stillborn baby. In this case, his electronic medical record (EMR) indicated that he was male and the triage nurse was informed he was transgender. Despite this information being provided, the triage nurse misdiagnosed him and failed to fully assess his individual care needs. The triage nurse demonstrated a lacking awareness of human and patient diversity.

The contributors of the case report, Daphna Stroumsa, M.D., M.P.H., Elizabeth F.S. Roberts, Ph.D., Hadrian Kinnear, B.A., and Lisa H. Harris, M.D., Ph.D. outline the clinical implications which includes that if healthcare providers learn and acknowledge the limitations of implicit classification in patient management, then they can improve care not only for transgender patients, but for all patients who fall through classificatory “cracks”.

The contributors of the case report also note the ability to change one’s legal sex marker can be crucial for transgender people in many areas of their lives, including safety, housing, employment, and many other areas. The contributors of the case report confirm the issues raised in this case cannot be resolved by preventing transgender people from changing their sex on legal documentation or in their medical chart and that most health care needs of transgender people are no different from those of cisgender people[1].

I believe all North Dakotans deserve to have healthcare professionals who are able to assess situations that elude current classifications and rather provide North Dakota healthcare providers clinical training so they may be better able to address the needs of North Dakotans who do not fit into the current classificatory schemes.

As a lifelong resident of North Dakota, I believe all North Dakotans deserve the right to correct their birth certificate should they wish. I urge the committee to listen to the experts in the field and give HB 1297 a Do Not Pass.

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[1] Stroumsa D, Roberts EFS, Kinnear H, Harris LH. The Power and Limits of Classification - A 32-Year-Old Man with Abdominal Pain. N Engl J Med. 2019;380(20):1885-1888. doi:10.1056/NEJMp1811491