

WRITTEN TESTIMONY IN OPPOSITION TO HB 1473

House Human Services Committee on House Bill 1473

Date of Hearing: January 24, 2023 10:00 a.m.

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This written testimony is presented in opposition to HB 1473, which prohibits transgender and non-binary individuals from utilizing the restroom, locker rooms, or showers of their identified gender. This bill is aimed at fear-mongering, not actual facts or statistics.

It also effectively prohibits participation of transgender and nonbinary athletes in elementary or high school sports. The North Dakota High School Activities Association (NDHSAA)¹, the National Collegiate Athletic Association (NCAA)², and the International Olympic Committee (IOC)³ have rules in place on this issue. The purpose of these organizations is to promote athletes, with an eye toward preserving the well-being of the athlete and to promote fair play. HB 1473 seeks to ignore the work done by these organizations and instead enact a law that is discriminatory. Any thought that this somehow protects student athletes is misguided.

North Dakota law and federal law prohibit discrimination based upon sex. The North Dakota Human Rights Act prohibits discrimination based upon sex.⁴ Title VII of the Civil Rights Act prohibits discrimination based upon sex, and this includes gender identity.⁵ President Biden issued an executive order on Preventing and Combating Discrimination on the Basis of Gender Identity or Sexual Orientation which states "all persons should receive equal treatment under the law, no matter their gender identity or sexual orientation."⁶

As the parent of a transgender individual, I can assure you that all every person wants (regardless of gender identity or sexual orientation) is to be accepted as they are. More than half of transgender and nonbinary youth have contemplated or attempted suicide.⁷ 83% of transgender and nonbinary youth are worried about being denied participation in athletics due to state or local laws.⁸ If those same students are surrounded by peers, teachers, coaches, and others who are affirming, the suicide rate lowers significantly. Excluding or marginalizing transgender students puts their mental health and their lives at serious risk.

This bill also takes aim at transgender or non-binary utilizing bathrooms, locker rooms, or showers that match their gender identity. Proponents of this bill will argue that this legislation is needed to protect women's and girls' privacy and safety. There is no research, data, or statistics to support a proposition that transgender women attack anyone in a bathroom or use the bathroom for voyeuristic reasons. If this legislation is based upon a fear of a man dressed up as a woman preying on women or girls, that is an instance of a straight male committing a crime. This is not the equivalent of a transgender female utilizing a bathroom or locker room. Transgender individuals only want to use the restroom, locker room, or shower, just like any other individual.

Like all young people, transgender students want to participate in school activities with their friends, have a community that is supportive, and be part of a team. They are not seeking an advantage to win awards. Sports teach students many things: confidence, sportsmanship, teamwork, and leadership. Transgender students need

¹ https://d2q0tptsfejku7.cloudfront.net/uploads/files/Policies/NDHSAA_Transgender_Student_Board_Regulation.pdf

² <https://www.ncaa.org/sports/2022/1/27/transgender-participation-policy.aspx>

³ <https://stillmed.olympics.com/media/Documents/Beyond-the-Games/Human-Rights/IOC-Framework-Fairness-Inclusion-Non-discrimination-2021.pdf>

⁴ NDCC § 14-02.4-01.

⁵ *Bostock v. Clayton Cty., Georgia*, 140 S. Ct. 1731, 207 L. Ed. 2d 218 (2020).

⁶ Executive Order on Preventing and Combating Discrimination on the Basis of Gender Identity or Sexual Orientation | The White House- <https://www.whitehouse.gov/briefing-room/presidential-actions/2021/01/20/executive-order-preventing-and-combating-discrimination-on-basis-of-gender-identity-or-sexual-orientation/>

⁷ The Trevor Project, "National Survey on LGBTQ Youth Mental Health 2022"

⁸ The Trevor Project, "National Survey on LGBTQ Youth Mental Health 2022"

these skills, just like any other student. What transgender athletes need is compassion and inclusion, not hatred and exclusion.

All people within the State of North Dakota deserve dignity and respect and to be included as part of the community.

Please oppose HB 1473.

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