

Statement of Opposition to House Bill 1181

Dear Members of the House Human Services Committee,

I am writing to express my strong opposition to House Bill 1181, which proposes to amend the North Dakota Century Code to define gender strictly as an individual's biological sex at birth and require that all state-funded entities adhere to this definition. While the bill claims to offer clarity, it instead introduces discrimination, impracticality, and harmful consequences for individuals, state institutions, and the broader community.

1. Exclusion and Discrimination Against Transgender and Nonbinary Individuals

This bill effectively erases the identities of transgender, nonbinary, and gender-nonconforming individuals by disregarding their lived realities and denying recognition of their gender identity. Such exclusion contributes to stigma, marginalization, and mental health challenges for these populations, particularly for youth in schools and universities. By limiting gender definitions to binary biological sex, the bill denies basic dignity and equal treatment to a significant and vulnerable group of people.

2. Conflict with Federal Protections and Risk of Legal Challenges

House Bill 1181 contradicts established federal protections for transgender and nonbinary individuals, such as Title IX and recent Supreme Court rulings affirming that discrimination based on gender identity constitutes sex discrimination. This conflict exposes state institutions, including schools and public agencies, to potential lawsuits and jeopardizes federal funding. The administrative costs and legal battles resulting from enforcement of this bill could place a significant burden on North Dakota taxpayers.

3. Invasion of Privacy and Impracticality

The bill's provision requiring DNA testing to resolve contested cases of sex or gender is both invasive and impractical. It violates individuals' privacy and autonomy by introducing an unnecessary and intrusive method for defining gender. The requirement is logistically and financially burdensome for schools, employers, and other state-funded entities, while addressing a problem that does not exist in most real-world contexts.

4. Harm to Schools and Students

This bill restricts schools and state-funded institutions from fostering inclusive and supportive environments. Transgender and nonbinary students are already at increased risk for bullying, mental health challenges, and suicide. Policies like HB 1181 exacerbate these risks by denying recognition and support for their identities. Schools and educators would face undue burdens in revising policies, training materials, and procedures to align with an outdated and restrictive definition of gender.

5. Rejection of Scientific and Social Understanding

Modern medical, psychological, and social research recognizes that gender is distinct from biological sex and encompasses a spectrum of identities. The binary framework

imposed by this bill ignores the existence of intersex individuals and others who do not fit neatly into male or female categories. Denying this complexity dismisses decades of progress in understanding and supporting human diversity.

6. The Overreach of Government Control

This bill represents a significant overreach by the government into language and personal identity, mandating restrictive definitions that do not reflect the lived realities of many North Dakotans. Its broad application to policies, records, forms, and materials creates unnecessary administrative burdens for state-funded entities without addressing any pressing need.

Conclusion

House Bill 1181 imposes harmful, discriminatory, and impractical restrictions on how gender is defined and addressed in North Dakota. It undermines individual dignity, violates federal protections, creates unnecessary burdens for schools and state institutions, and risks significant economic and reputational harm to the state. I urge the House Human Services Committee to reject this bill and instead focus on policies that uphold the rights, dignity, and inclusion of all North Dakotans. Let us move forward as a state that values diversity, equity, and respect for all individuals.

Sincerely,

Kara L. Geiger
Mandan, ND
1/17/2025