

WRITTEN TESTIMONY IN OPPOSITION TO HB 1181

House Human Services Committee on House Bill 1181

Date of Hearing: January 21, 2025

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This written testimony is presented in opposition to HB 1181, which discriminates against the transgender and nonbinary communities. It is an overreach of government authority into the private matters of its citizens.

North Dakota Century Code §1-01-34 is not controversial and was last revised by the Legislature in 1967.¹ This longstanding codification of legal terms should remain unchanged.

North Dakota Constitution Article I, Section 1 states: “*All individuals are by nature equally free and independent and have certain inalienable rights, among which are those of enjoying and defending life and liberty; ... pursuing and obtaining safety and happiness...*”, which shall not be infringed.” This legislation violates North Dakota and federal law, including the prohibition of discrimination based upon sex and the 1st, 4th, and 5th Amendments.

Determining a dispute about someone’s gender identity invokes the United States’ Fourth Amendment and the North Dakota’s constitutional protections against unwarranted searches and seizures² and the Fifth Amendment right against self-incrimination. Transgender and nonbinary individuals’ medical information is private. Forcing a DNA test without a court order infringes on these rights and would compel individuals to undergo unwanted and unnecessary medical procedures. The proposed legislation fails to address under what type of circumstance constitutes “contested” requiring a DNA test, the process for said contest, and who is responsible to pay for this testing.

This proposal also violates the privileges and immunities clause of the North Dakota Constitution which prohibits “any citizen or class of citizens be granted privileges or immunities which upon the same terms shall not be granted to all citizens.”³ The proposed legislation grants privileges to straight and binary individuals that transgender and nonbinary individuals would be denied, including participation in state-funded facilities. It also infringes on the rights of children to a free and appropriate education by effectively making misgendering a condition of access to education. This is discriminatory and harmful.⁴

There is no clear purpose for this legislation, other than to intimidate and further marginalize the transgender and nonbinary community in North Dakota, which already suffers from higher rates of suicide and harassment. Affirming individual’s preferred pronouns lowers the risk of suicide and self-harming. Transgender and nonbinary individuals need compassion and inclusion, not hatred and exclusion. All people within the State of North Dakota deserve dignity and respect and the full protection of their constitutional rights.

Please oppose HB1181.



¹ January 11, 1967 Judiciary Committee Minutes – 1967 SB 72 Legislative History from North Dakota Legislative Council.

² Constitution of North Dakota, Article I Section 8.

³ Constitution of North Dakota, Article I, Section 21.

⁴ Constitution of North Dakota, Article VIII Section 1.