

Members of the ND Senate Education Committee and Senator Burckhard (D5):

I am writing to express my opposition to House Bill 1181.

This bill, particularly subsections 2 and 3, narrowly defines gender as solely an individual's "sex" and mandates this definition across all state entities including North Dakota University System campuses, state hospitals, and correctional facilities. This rigid classification creates significant legal and social problems.

Sex assigned at birth is not always accurate. While often determined based on external anatomy, this method does not account for the complexities of biological sex, including intersex variations, chromosomal differences, and hormonal influences. Medical research has documented cases where individuals are assigned a sex at birth that does not align with their genetic, hormonal, or later-identified gender identity. By relying solely on assigned sex at birth as a rigid legal definition, HB 1181 ignores these biological realities and further marginalizes individuals whose identities do not fit within this narrow framework.

This bill would deny legal recognition and protections to transgender and gender non-conforming individuals. By restricting the definition of gender to assigned sex at birth, the bill disregards the lived experiences and legal rights of transgender and gender non-conforming people. This can result in discrimination and denial of access to essential services and protections.

The bill's rigid definition could conflict with federal anti-discrimination protections, such as Title IX, exposing state agencies, schools, and employers to legal challenges while enabling discriminatory practices.

Modern medical and psychological research recognizes gender identity as distinct from assigned sex at birth. This bill disregards decades of research supporting gender-affirming policies.

Requiring state agencies to revise records, policies, and legal documents would impose unnecessary administrative burdens, redirecting limited resources from vital public services, including education and healthcare.

Restricting the ability of individuals to have their gender identity legally recognized infringes upon their rights to self-determination, privacy, and equal protection.

Enforcing a narrow definition of gender in schools creates a hostile environment for transgender and gender non-conforming students, negatively affecting their ability to learn and thrive.

This bill presents significant risks of widespread harm by eliminating legal protections, conflicting with federal law, and creating unnecessary financial burdens for state institutions. I urge you to reject this harmful legislation and instead support policies that ensure equal rights and protections for all individuals, regardless of gender identity.

Andy Bertsch  
District 5 Resident