

## **WRITTEN TESTIMONY IN OPPOSITION TO HB 1298**

House Human Services Committee Hearing on House Bill 1298

Date of Hearing: 1/25/2021

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This written testimony is presented in opposition to HB 1298, which effectively prevents participation of transgender athletes in high school, collegiate, or club sports. Both the North Dakota High School Activities Association (NDHSAA), the National Collegiate Athletic Association (NCAA), and the International Olympic Committee (IOC) 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 1298 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.<sup>1</sup> Title VII of the Civil Rights Act prohibits discrimination based upon sex, this includes gender identity.<sup>2</sup> Recently, the State of Idaho passed the Fairness in Women's Sports Act.<sup>3</sup> The United States District Court of Idaho stayed the implementation of the law, as the Act is likely unconstitutional.<sup>4</sup> Finally, President Biden recently 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."<sup>5</sup>

As the parent of a transgender student, I can assure you that all a student wants (regardless of gender identity or sexual orientation) is to be accepted as who they are. 52% of transgender students have contemplated or attempted suicide.<sup>6</sup> If those same students are surrounded by those who are affirming, the suicide rate lowers significantly.<sup>7</sup> Excluding or marginalizing transgender students puts their mental health at risk.

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, leadership. Transgender students need 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.

Please oppose HB 1298.

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<sup>1</sup> NDCC 14-02.4-01.

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

<sup>3</sup> *Hecox v. Little*, No. 1:20-CV-00184-DCN (D. Idaho Aug. 17, 2020)

<sup>4</sup> *Hecox v. Little*, No. 1:20-CV-00184-DCN (D. Idaho Aug. 17, 2020)

<sup>5</sup> 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/>

<sup>6</sup> The Trevor Project, "National Survey on LGBTQ Youth Mental Health 2020"

<sup>7</sup> The Trevor Project, "National Survey on LGBTQ Youth Mental Health 2020"