



Greetings Chairman Larson and Senate Judiciary Committee Members:

House Bill 1298 is an extremely broad and poorly defined bill aiming to prevent the participation of transgender athletes in public sports. Not only does the bill attempt to ban transgender athletes from participating in any municipal or state run sports such as high school or college competitions, it also bans them from participating in any competition held on public property, whether or not the competition is state sponsored. This sweeping language is imprecise and irresponsibly broad.

Last year, the U.S. Supreme Court ruled that protections from discrimination 'on the basis of sex' includes protections for transgender individuals from discrimination based on their gender identity. While the Supreme Court case specifically involved Title VII of the 1964 Civil Rights Act, the 11th circuit Federal Appeals court decided shortly after that this interpretation also extends to Title IX, disallowing any federally funded schools or universities from discriminating against transgender students. The North Dakota Human Rights Act also disallows discrimination on the basis of sex regarding participation in public services.

HB 1298 directly conflicts with North Dakota High School Activity Association (NDHSAA) policy, which specifically allows transgender athletes who are undergoing hormone replacement therapy to participate in High School athletic competitions with their chosen gender. Additionally, the language contained in the bill invites FERPA violations on the part of schools, and may result in lawsuits and loss of federal grants.

HB 1298 sets a dangerous precedent by disallowing certain members of our community from using public property and services, and conflicts directly with federal and state policy. HB 1298 also flagrantly impedes upon local control by disallowing city or county run organizations from including transgender athletes, and oversteps the bounds of state control by banning transgender athletes from participating in any competition taking place on city, county, or state property, regardless of municipal policy. We urge the committee to vote no in the interest of individual liberty and municipal sovereignty.

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