

**House Human Services Committee
House Bill 1301 – January 24, 2023
Testimony of Rachel Sinness, P&A Legal Director**

P&A protects the human, civil and legal rights of people with disabilities. The agency's programs and services seek to make positive changes for people with disabilities where we live, learn, work and play.

Our advocates and attorneys assist not only individuals with developmental and intellectual disabilities, but also those with mental health disabilities. Mental health disabilities include depression, anxiety, and post-traumatic stress disorder, but this is certainly not an exhaustive list. Individuals may be born with mental health disabilities or may acquire them through trauma and other life stressors. P&A works with individuals across all age groups and, as our mission suggests, we support efforts that positively affect people with disabilities while opposing those which do not protect the human, civil, and legal rights of people with disabilities.

The intersectionality between gender identity and mental health is apparent. Transgender and gender non-conforming individuals often experience gender dysphoria, or "discomfort or distress that is caused by a discrepancy between a person's gender identity and that person's sex assigned at birth." Gender dysphoria - Symptoms and causes - Mayo Clinic. Transgender individuals are four times more likely to experience mental health challenges than individuals whose identity corresponds to the sex they were born with. The Intersection of Sexual Identity and Mental Health - Valley Oaks Health. P&A offers testimony today in opposition to HB 1301 because the behavioral health ramifications of this bill to North Dakotans are detrimental.

The Williams Institute on Sexual Orientation and Gender Identity Law and Public Policy estimates there are approximately 150,000 individuals between the ages of 13 and 17 who identify as transgender in the United States. The American Academy of Pediatrics indicates that trans and gender-nonconforming youth are at a substantially elevated risk of poor mental health outcomes, including anxiety, depression, and suicidal tendencies. Medical and psychosocial care is designed to balance beneficence (the obligation to provide a benefit to patients) and nonmaleficence (the avoidance of unnecessary harm). [Ethical Issues in Gender-Affirming Care for Youth | Pediatrics | American Academy of Pediatrics \(aap.org\)](#). Studies routinely show that a lack of access to appropriate gender-affirming care may lead to trans and gender-nonconforming youth being at greater risk of violence, depression, anxiety, and suicide.

Meanwhile, gender-affirming medical interventions are proven to have a positive effect on mental health. An observational study of 104 youths, with data gathered between August 2020 through November 2021 and published in February 2022 by the National Center for Biotechnology Information, concluded that gender-affirming medical interventions including puberty blockers and gender-affirming hormones resulted in 60% lower odds of depression, and 73% lower odds of suicidality. [Mental Health Outcomes in Transgender and Nonbinary Youths Receiving Gender-Affirming Care - PubMed \(nih.gov\)](#). Another study of 55 transgender youths who underwent a thorough psychological screening prior to undergoing treatments revealed a complete resolution of gender dysphoria. [Ethical Issues in Gender-Affirming Care for Youth | Pediatrics | American Academy of Pediatrics \(aap.org\)](#).

A 2018 article titled “Ethical Issues in Gender-Affirming Care for Youth” published by the American Academy of Pediatrics, provides that gender-affirming medical interventions are “highly effective in addressing gender dysphoria and mitigating associated adverse outcomes.” The article further suggests that health care providers, patients, and families should carefully weigh the risks and benefits of these medical treatment options. [Ethical Issues in Gender-Affirming Care for Youth | Pediatrics | American Academy of Pediatrics \(aap.org\)](#)

However, HB 1301 would prohibit providers, patients, and families from considering these options and puts the decision solely in the hands of this legislature. As a result, providers, patients and families would have little say over the mental health outcomes of denying these potentially life-saving procedures.

P&A urges a DO NOT PASS on HB 1301, as it does not protect the human, civil, and legal rights of North Dakota youth.