



01/24/2023

HB 1301

Testimony in Opposition

Chairperson and Members of the House Human Services Committee:

My name is Naomi Tabassum, and I am the owner, director, and a practicing clinician at New Story Counseling Services in Fargo. I am a Licensed Professional Clinical Counselor (LPCC) in the state of North Dakota, a certified clinical supervisor, and have over ten years' experience in clinical mental health counseling. I specialize in LGBTQ+ issues as they related to mental health, specifically focusing on client who identity as transgender and/or gender expansive.

I oppose HB 1301 for the following reasons:

1. The confusing language of “enabling a minor to identify with, or live as, a purported identity inconsistent with the minor’s sex”. What constitutes “enabling”? This seems to stretch beyond the act of medically treating into a very vague and undetermined space. “Identify with or live as” seems to expand way beyond the realm of the medical provider’s office. Medical providers cannot control or effectively influence how patients live or identify, regardless of medical prescriptions or procedures provided.
2. It is not the position of the legislators in our state to define what does or does not constitute a medical “disease”. It would be most advised to keep medical definitions to medical professionals and their licensing bodies and professional associations, nationally and internationally. Gender Dysphoria and Gender Incongruence are well-established medical illnesses with well-established treatable interventions.
3. There is notable focus in this bill on the “injury” of minors and minor’s parents impacted by medically treating gender dysphoria. “Emotional, mental, or physical effects of the violation”; “The cost of counseling, hospitalization, and any other medical expenses associated with treating the harm caused”; “psychological and emotional anguish” and so on. In actuality, injury would come from refraining or refusing to treat gender dysphoria. As you

will read in my testimony as well as the testimonies of other reputable medical and mental health professionals who are testifying on this bill and other transphobic bills, children who have gender dysphoria that goes untreated and unaddressed are more likely to experience depression, anxiety, homelessness, and suicidality. This bill also addresses “wrongful death action” for the treatment of gender dysphoria. Again, wrongful deaths will occur if a medical condition goes untreated and results in death by suicide or emboldened hate acts as a result of this bill passing. Whom do we bring wrongful death actions against in a state where proper medical care has been outlawed? Who pays for the counseling and hospitalizations of transgender youth who experience worsened mental health as a result of their gender dysphoria going untreated?

4. This bill will would seek to undermine the professional judgement of our physicians and autonomy of our parents to provide best care to their patients as children as they see fit. Outlawing gender-affirming care will not stop transgender youth from obtaining treatment. It will drive them out-of-state to seek care elsewhere. I’m sure Moorhead, MN and East Grand Forks, MN will happily benefit from the boost in spending by driving ND citizens across borders to access healthcare.
5. Finally, threatening the reputable medical providers in ND and their employers with legal penalties for providing safe, effective, and evidence-based care is not a good look. Threatening caring, responsible parents who consent to medical care for their children with legal penalties will not be well-received. Is it the intent of this committee to create a divide between state law and healthcare professionals as well as parents of minor children?

I urge you to render a DO NOT PASS for HB 1301.

Naomi Tabassum, LPCC

Owner, President, and Practicing Clinician

New Story Counseling Services