



House Human Services Committee

HB 1301

January 24, 2023

Chairman Weisz and Committee Members, my name is Courtney Koebele. I am the executive director of the North Dakota Medical Association. The North Dakota Medical Association is the professional membership organization for North Dakota physicians, residents, and medical students.

NDMA opposes this bill. North Dakota has existing laws governing medical negligence, comparative fault, and damages (including punitive). If this bill went to effect, it could have a strong effect on medical malpractice coverage. A thirty-year statute of limitations is highly unusual in any civil action. If this bill passes, it is unlikely anyone would be willing to offer this type of treatment, based on the extensive limitations in the bill.

Other states have addressed this type of legislation. In Alabama, the law that prohibits this type of therapy was found to violate parents' fundamental right to autonomy of obtaining medical treatment for their children subject to medically accepted standards. The court further found that the law is unconstitutional sex discrimination in violation of the 14th Amendment's equal protection clause because the law denies medically necessary services only to transgender minors, while allowing those services to other minors. The Alabama law is on appeal to the 11th Circuit. In Arkansas, its law is on appeal to the 8th Circuit. 20 states have filed an amicus opposing the law, with 19 states filing an amicus brief supporting Arkansas.

This bill makes evidence-based medical decision making and treatment of transgender individuals unavailable to North Dakotans. There are physicians here today to testify as to the details of that treatment, and why patients would be harmed if this bill was passed.

NDMA requests a DO NOT PASS recommendation on the bill. Thank you for the opportunity to testify today. I would be happy to answer any questions.