

March 5, 2023

Regarding: HB 1139

My testimony is in opposition to House Bill 1139. I ask that you give this bill a **DO NOT PASS**.

As a pediatric endocrinologist who specializes in the care of infants and children born with Disorders of Sex Development (DSD), I would like to point out some concerns and errors with HB 1139.

- 1) You define "sex" as the biological state of being female or male, based on the individual's non-ambiguous sex organs, chromosomes and endogenous hormone profiles at birth. While this definition could easily apply to most births, infants are often born with chromosome studies that are different than their external genitalia. I care for infants and children born in North Dakota that have 46XX chromosome (female) but have typical male external genitalia. I also care for children and infants with 46XY chromosomes (male) but have typical female genitalia. "Sex" is more complicated than external genitalia or chromosomes and the decision to raise these infants as either male, female or neither is often a complex decision that is made by parents in consultation with the infant's medical specialist and should not be dictated by this house bill.
- 2) The bill as it is written states that a birth record must include the designation of the sex of the child which must be either male or female. An entry of "not yet determined" may not be entered unless the sex cannot be determined based on the child's **non-ambiguous** sex organs, chromosomes and endogenous hormone profiles at birth. If an infant is born with non-ambiguous sex organs, then that means that the genitalia appear normal (non-ambiguous or typical). If a child is born with genitalia that has both or neither masculine and feminine features and therefore cannot be defined as either male or female, then that is considered ambiguous. It does not make sense to enter "not yet determined" for an infant born with non-ambiguous (normal or typical genitalia). The designation of "not yet determined" should be reserved for infants born with ambiguous genitalia.

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