



**2023 House Bill 1254**  
**Senate Human Services Committee**  
**Senator Judy Lee, Chairman**  
**March 15, 2023**

Chairman Lee and members of the Senate Human Services Committee, I am Melissa Hauer, General Counsel/VP of the North Dakota Hospital Association (NDHA). I testify in opposition to House Bill 1254 and ask that you give the bill a **Do Not Pass** recommendation.

We believe this bill represents a dangerous intrusion into the practice of medicine. We have grave concerns any time there is an attempt to criminalize medical care. The bill fails to take into consideration that clinical guidelines have been established by professional medical organizations for the care of minors experiencing gender dysphoria. These treatment interventions are based on evidence that every major medical association in the United States recognizes as the medical standard for transition-related care for improving the physical and mental health of transgender people. These guidelines establish the criteria for who is competent to provide gender-affirming care as well as the comprehensive processes that should be followed prior to initiating care. This is the same process for developing evidence-based standards for any type of medical care – whether that be for treatment of cancer, diabetes, asthma, or any other disease.

Several health care professionals who are here today will explain the standard of care for gender diverse minors but, at a high level, the care may include mental health counseling, non-medical social transition, and hormone therapy. This bill, however, would prevent trans youth from receiving medically necessary care for which learned professional societies have established evidence-based clinical treatment guidelines. If we truly believe that parents have a fundamental right to direct the care, custody, and control of their children, it necessarily includes the right to seek medical care for their children. Parents, in conjunction with their adolescent child's input and their doctor's recommendation, should be allowed to make a judgment that medical care is necessary in a given situation. This bill would have the state insert itself into that relationship and prevent the provision of care that is evidence-based, meets clinical guidelines, and takes place in circumstances where

the parent, adolescent, and healthcare providers are all aligned and supportive of what they view as the best medical treatment for a given adolescent.

At its most basic level, this bill allows the government to prohibit one type of medical care while allowing health care professionals, parents, and adolescents to together decide the best course of action for *other* treatments that also pose potential risks. It raises the question of what other areas of medical care could be subject to government intervention. For example, if a child has pediatric cancer, should the government dictate the type of medical treatment that child may receive? Should the government dictate how a parent must manage their child's Type I diabetes? We do not believe the government should prohibit a certain type of care and impose criminal penalties on a health care provider for providing medical care that follows evidence-based guidelines.

This bill will put health care providers in a very difficult position: follow evidence-based medical standards of care to provide healthcare services that are in the best interest of their patients or obey the state directive by withholding care and potentially violating their duty to patients and professional ethics.

We ask that you consider the evidence-based clinical guidelines that will be explained by the others who will testify today. These guidelines set out the treatment for gender dysphoria and the evidence that shows the benefits of gender-affirming medical interventions, where indicated, for adolescents with documented gender dysphoria. We ask that you trust the process established in the standard of care and the individual medical decisions of parents, adolescents, and healthcare providers.

Please give the bill a **Do Not Pass** recommendation. Thank you.

Respectfully Submitted,

Melissa Hauer, General Counsel/VP  
North Dakota Hospital Association