



TESTIMONY on HB 1254
from the
NATIONAL ASSOCIATION OF SOCIAL WORKERS—NORTH DAKOTA CHAPTER
to the
ND Senate Human Services Committee

March 15, 2023

Chairman Lee and members of the Senate Human Services Committee:

The Advocacy Committee of the NASW-ND submits this testimony in opposition to House Bill 1254. We appreciate the opportunity to share our perspective.

NASW-ND urges the members of the Senate Human Services Committee to vote DO NOT PASS on HB 1254 for the following reasons:

1. HB 1254 confuses sex and gender.

Section 1, point 3 (p1 lines 13-14) reads, "*sex is defined as the biological state of being female or male based on nonambiguous sex organs, chromosomes, and endogenous hormone profiles at birth.*" An individual's sex is defined by the biological reproductive organs assigned at birth. In contrast, gender is the social, psychological, cultural, and behavioral aspects of being a man, woman, or other gender identity.

This bill confuses sex with gender in Section 1, point 2 (p1 lines 16-19) where it states, "if a minor's perception of the minor's sex is inconsistent with the minor's sex, a health care provider may not engage in any of the following practices for the purpose of changing or affirming the minor's perception of the minor's sex." In this example, the "minor" is not asking to change their sex, merely to be allowed to align with the gender that is true for them.

2. HB 1254 attempts to criminalize gender-affirming surgery on minors, despite North Dakota's current policy.

Under Section 1, point 4 a & b (p.1 lines 20-22), this bill would prohibit North Dakota health care providers from performing castration, vasectomy, hysterectomy, oophorectomy, metoidioplasty orchiectomy, penectomy, phalloplasty, vaginoplasty or mastectomy on a minor for the purposes of changing their sex. It is our understanding that currently North Dakota medical providers cannot currently perform gender-affirming surgeries on minors. That would make this portion of the bill unnecessary.

3. HB 1254 will jeopardize the health of North Dakota minors through the prohibition of medical care, even though that care is consistent with over a dozen studies and the American Medical Association.

Under Section 1, point 4 c (p2 lines 1-6) removes all gender-affirming care to minors, including puberty blockers and hormones.

This is an incredibly harmful, cruel, and dangerous bill. Data from more than a dozen studies of more than 30,000 transgender and gender-diverse young people consistently show that access to gender-affirming care is associated

with better mental health outcomes—and that lack of access to such care is associated with higher rates of suicidality, depression, and self-harming behavior. Most major medical organizations, including the American Academy of Pediatrics , the American Academy of Child and Adolescent Psychiatry , the Endocrine Society , the American Medical Association , the American Psychological Association , and the American Psychiatric Association , have published policy statements and guidelines on how to provide age-appropriate gender-affirming care. All those medical societies find such care evidence-based and medically necessary.

The National Association of Social Workers (NASW) supports policies that "promote [...and] strengthen young adult health care." NASW also supports evidence-based practice and research, so based on the above data and testimony from numerous individuals across our state telling us this legislation will drastically remove their quality of life for no reason. There is no recorded violence or sexual offense in our state attributed to a transgender individual. NASW Code of Ethics supports clients' well-being and respects and promotes clients' right to self-determination. Social workers assist their clients in their efforts to identify and clarify their goals.

HB 1254 directly opposes that effort and will jeopardize the health of North Dakota minors. You can be confident this is true because of the testimony submitted by North Dakota clinicians including Dr. Balf, Dr. Dahl, Dr. Selzler-Echola, Dr. Peterson, Dr. Sturgill, Dr. Thurlow, and the North Dakota Medical Association, all opposing this HB 1254. Additionally, you have heard testimony from transgender community members and parents of transgender children begging you to vote against this legislation.

Thank you for the opportunity to share our objections to this bill, and the **NASW-ND respectfully urges the Senate Human Services Committee to vote DO NOT PASS on HB 1254.**

Submitted by:

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