



**Statement by Chris Erchull,
Staff Attorney, GLBTQ Legal Advocates & Defenders (GLAD),
before the House Transportation Committee,
in Support of House Bill 669,
An Act Relative to Gender Identity Information Included on
Drivers' Licenses and Nondrivers' Identification Cards**

Honorable Chairperson Sykes and Members of the Committee:

I am grateful for the opportunity to testify in support of House Bill 669, An Act Relative to Gender Identity Information Included on Drivers' Licenses and Nondrivers' Identification Cards. This legislation would allow people to obtain identification that correctly reflects their gender identity, specifically those who identify as neither exclusively male nor exclusively female. It is a logical extension of past updates already made to allow transgender people to obtain accurate gender markers on their drivers' licenses, and it will make everyone safer and more secure.

As an attorney with GLBTQ Legal Advocates & Defenders (GLAD), New England's leading legal rights organization dedicated to ensuring legal equality for LGBTQ people and people living with HIV, I can attest to the importance of treating all people in New Hampshire with dignity and respect in all aspects of civic life. For many, the opportunity to obtain a drivers' license or identification card accurately reflecting their gender is a critical move in the direction toward full equality for all Granite Staters.

In January of 2015, the Division of Motor Vehicles amended its regulations to implement a process by which people can change the gender designation on their drivers' licenses or nondrivers' identification cards.¹ This update to the regulations, which brought New Hampshire in line with the current medical understanding of gender transition and with common trends in identification documents, allowed transgender individuals a way to obtain correct identification after transitioning from male to female or from female to male. By going a step further, the Legislature can provide similar relief to people who transition from their sex assigned at birth to a sex that is neither male nor female.

As the National Center for Transgender Equality explains: "People whose gender is not male or female use many different terms to describe themselves, with non-binary being one of the most common. Other terms include genderqueer, agender, bi-gender, and more."² Nonbinary individuals who suffer from gender dysphoria experience a deep persistent, insistent, and consistent incongruence with the sex assigned to them at birth. Gender transition, the most common treatment for gender dysphoria, often involves updating legal identification documents to reflect a patient's correct gender identity.³

¹ See Saf-C 1011.03 (as amended by #10775), http://www.gencourt.state.nh.us/rules/state_agencies/saf-c1000.html.

² See <https://transequality.org/issues/resources/understanding-non-binary-people-how-to-be-respectful-and-supportive>.

³ See https://fenwayhealth.org/documents/the-fenway-institute/handouts/Handout_7-C_Glossary_of_Gender_and_Transgender_Terms_fi.pdf.

The broad category of people who identify as neither exclusively male nor exclusively female also includes individuals who are intersex, which the World Health Organization describes as people “born with physical or biological sex characteristics (including sexual anatomy, reproductive organs and/or chromosomal patterns) that do not fit the traditional definitions of male or female.”⁴ An estimated 0.05% to 1.7% of people are born intersex.⁵

Consistent with today’s medical care standards, an increasing number of states are updating identification documents to provide their residents with accurate gender markers, including a third marker that is neither exclusively male nor exclusively female. Currently, residents in six states (Arkansas, California, Colorado, Maine, Minnesota, and Oregon) and two cities (New York City and Washington, D.C.) are able to obtain drivers’ licenses or identification cards indicating a gender that is neither male nor female.

Moreover, nonbinary gender markers are now increasingly being used in the airline industry because, according to an industry statement:

“U.S. airlines value a culture of diversity and inclusion, both in the workplace and for our passengers, and we work hard each day to accommodate the needs of all travelers, while delivering a safe, secure and enjoyable flight experience.”⁶

The U.S. Department of Health and Human Services defines “sex” under the Affordable Care Act to include “gender identity,” which refers to “an individual’s internal sense of gender, which may be male, female, neither, or a combination of male and female, and which may be different from an individual’s sex assigned at birth.”⁷

In 2018, the State of New Hampshire took a big step forward in recognizing that all people are entitled to live free from discrimination based on gender identity. A vote for HB 669 brings us yet another step closer to achieving that vision.

Thank you for your consideration, and I hope you will support HB 669’s promise of fairness and freedom for all Granite Staters.

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⁴ See <http://origin.who.int/gender-equity-rights/news/20170227-health-and-sexual-diversity-faq.pdf>.

⁵ See <https://www.unfe.org/wp-content/uploads/2017/05/UNFE-Intersex.pdf>.

⁶ See <https://www.cnn.com/travel/article/gender-options-airline-passengers-trnd/index.html>.

⁷ See 45 C.F.R. §§ 92.4, 92.206.