



**Statement by Chris Erchull,
Staff Attorney, GLBTQ Legal Advocates & Defenders (GLAD),
before the House Children and Family Law Committee,
in opposition to House Bill 68,
An Act Relative to the Definition of Child Abuse**

Honorable Chairperson Rice and Members of the Committee:

Thank you for taking the time to consider my grave concerns about House Bill 68, An Act Relative to the Definition of Child Abuse. This dangerous and misguided legislation targets an already vulnerable group of New Hampshire youth and denies them access to standard necessary medical care.

As an attorney with GLBTQ Legal Advocates & Defenders (GLAD), New England's leading legal rights organization dedicated to ensuring equality for LGBTQ people and people living with HIV, I urge the Committee to retain HB 68 or vote decisively that HB 68 is inexpedient to legislate. This bill flies in the face of the overwhelming medical consensus, violates the laws of New Hampshire, and is out of line with our shared values.

Everyone here knows that transgender people are an integral part of our society. They are our co-workers, our neighbors, and our friends. Transgender youth attend our schools, our churches, and our birthday parties. Everyone here wants the same thing for all young people in New Hampshire—to grow up safe and healthy, to develop important life skills, and to be contributing members of our society. But many of our transgender youth need medical care to treat a condition known as gender dysphoria. With treatment to alleviate the symptoms of gender dysphoria, they can be perfectly healthy assets to our communities. But denying them access to medical care would be unconscionable, leading to negative outcomes that none of us want.

The consensus of medical experts and all major medical organizations agree that gender affirming healthcare is the **only** safe and effective treatment for transgender young people who experience gender dysphoria.¹ The treatments that would be criminalized by this bill are life saving for many adolescents and teenagers whose gender identity does not align with the sex assigned to them at birth. Denying them access to healthcare would be harmful and reckless.

¹ All leading U.S. medical associations have policy positions attesting to the medical necessity of gender affirming healthcare including: American Academy of Pediatrics, American Medical Association, American Psychiatric Association, American Psychological Association, American College of Physicians, American Academy of Family Physicians, American Academy of Nursing, American Public Health Association, and World Professional Association of Transgender Health. See ACLU-PA, Medical Necessity of Transition-Related Health Care, https://www.aclupa.org/sites/default/files/field_documents/resource_sheet_trans-related_medical_consensus.pdf.

House Bill 68 contradicts the letter and the spirit of New Hampshire laws that protect the rights of our LGBTQ residents. In 2018, the State of New Hampshire took a big step forward in acknowledging that all people are entitled to live free from discrimination in public life based on gender identity, in passing House Bill 1319. In September of 2019, a new law went into effect prohibiting discrimination in schools because of a student's gender identity (among other protected characteristics).²

In 2018, this body also passed House Bill 587 with bipartisan support, prohibiting the long discredited practice of conversion therapy on LGBTQ youth. When this bill became law, the ineffective and unethical practice of attempting to change a person's gender identity was outlawed, ensuring that minors in New Hampshire experiencing gender dysphoria will have a clear path to appropriate treatment, including, in the words of the American Academy of Child & Adolescent Psychiatry (AACAP), the "exploration of living in a different gender role" and the "use of affirming gender transition interventions"³ We understand that LGBTQ people cannot be asked to change a fundamental part of their identity. This bill asks transgender children to do exactly that. Furthermore it criminalizes families for supporting their children and labels them as abusers.

Importantly, House Bill 608 banned discrimination against transgender people in accessing medically necessary gender affirming healthcare in 2019. Following the passage of HB 608, the New Hampshire Insurance Commissioner released his Bulletin INS 20-033-AB, prohibiting gender identity discrimination in health insurance.⁴ House Bill 68 would represent a shift away from agreed upon standards of care and the laws of New Hampshire. Our laws demonstrate that we understand the importance of access to medical care for transgender youth and their families.

Transgender students already face high levels of exclusion and bullying,⁵ which has a negative impact on their health.⁶ New Hampshire has made great strides toward

² RSA § 354-A:27 ("No person shall be . . . subjected to discrimination in public schools because of their . . . gender identity . . ."). See also RSA § 354-A:28 ("Any person claiming to be aggrieved by a discriminatory practice prohibited under RSA 354-A:27 may initiate a civil action in superior court against a school or school district for legal or equitable relief, or file a complaint with the commission as provided in RSA 354-A:21").

³ American Academy of Child & Adolescent Psychiatry, Conversion Therapy (2018), https://www.aacap.org/aacap/policy_statements/2018/Conversion_Therapy.aspx. AACAP has spoken out against state legislative efforts to deny access to medical care: "State-based legislation regarding the treatment of transgender youth that directly oppose the evidence-based care recognized by professional societies across multiple disciplines is a serious concern." American Academy of Child & Adolescent Psychiatry, AACAP Statement Responding to Efforts to Ban Evidence-Based Care for Transgender and Gender Diverse Youth (Nov. 8, 2019), https://www.aacap.org/AACAP/Latest_News/AACAP_Statement_Responding_to_Efforts-to_ban_Evidence-Based_Care_for_Transgender_and_Gender_Diverse.aspx.

⁴ The State of New Hampshire Insurance Department, Bulletin Docket No: INS 20-033-AB (Jun. 8, 2020), <https://www.nh.gov/insurance/media/bulletins/2020/documents/ins-20-033-ab-gender-identity-discrimination-prohibited.pdf>.

⁵ See "School Climate for Transgender Students," Welcoming Schools: A Project of the Human Rights Campaign Foundation, *available at* https://assets2.hrc.org/welcoming-schools/documents/WS_School_Climate_for_Transgender_Students_Data.pdf.

protecting our transgender youth from harm, and we must not undermine that support by taking the unprecedented step of precluding their access to medical care in line with best practice standards.

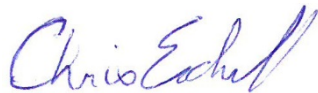
This bill is part of a harmful nationwide effort by anti-LGBTQ groups to create division and polarization by promoting laws that deny transgender people access to healthcare. Bills similar to HB 68 have been introduced in at least five other states so far this year.⁷ The divisive goal behind this coordinated national attack on transgender youth is not in line with the values of the people of New Hampshire or its Legislature. This bill would be a tragic step backward from the progress this state has made toward full equality, including the landmark legislation that added gender identity as a protected class to New Hampshire's nondiscrimination law and the law eliminating conversion therapy in 2018, and the robust protections in public schools signed into law in 2019.

This Committee must not allow this bill to go before the House with a favorable recommendation. The shared values of the people of New Hampshire demand the immediate rejection of this bill, which targets a group of vulnerable young people in order to exclude them from accessing necessary and life-saving healthcare. Instead, we should continue to work together to support inclusion, equal rights, and equal dignity.

Thank you for your consideration, and I hope you will reject HB 68 and ensure equality for all Granite Staters.

February 3, 2021

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⁶ See Erin C. Wilson, et al., The Impact of Discrimination on the Mental Health of Trans* Female Youth and the Protective Effect of Parental Support, *AIDS & Behavior* 20(10), 2203-2211 (2016), available at <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5025345/>.

⁷ See, e.g., Alabama HB 1 and SB 10, Vulnerable Child Compassion and Protection Act; Indiana SB 0224, Prohibited Services Relating to Care of Minors; Missouri HB 33, An Act to Amend Chapter 191, RSMo; Mississippi SB 2171, An Act to Create the Transgender 21 Act; Montana HB 113 (Defeated), An Act Providing for Youth Health Protection; Utah HB 92, Medical Practice Amendments: This Bill Prohibits a Physician or Surgeon from Performing a Transgender Procedure on a Minor.