

## **IN OPPOSITION TO HB 454**

Chair Manchester, Vice chair Cutrona, and all members of the House Committee on Families, Aging, and Human Services, thank you for this opportunity to testify in opposition to HB 454.

My name is Michaela and I am testifying on behalf of myself. I am a lifelong citizen of Ohio, a healthcare worker, and a transgender woman.

My testimony is divided into two sections. The first is an overview of my experience as a transgender person. The second is an argument against HB 454 from personal, research, and political angles.

### **Section I. My Experience Growing Up With Gender Dysphoria**

Starting with my background, I am currently 23 years old. At a young age I experienced mild gender dysphoria as I became aware of the gendered social norms around me. There was an October when I was with my mom and she asked what I would like to be for Halloween. I said I wanted to be a girl. My mom smiled, I could tell she thought it would be fun to play dress up with me, but then she frowned. She wanted me to dress however I wanted, but feared my dad would kick me out of the house if I dressed as a girl. I understood mom was serious. This wasn't moving the blame to dad to avoid a confrontation, it was a concern about my immediate safety.

My dysphoria worsened, and I would have nightmares almost every night for 5 years. Around the age of 15 I came out to my faith-based Catholic counselor. While it was against his practice as a religious counselor to affirm my identity, he understood that this was a situation where abuse could easily arise. Because of this, our conversations about my dysphoria were kept private. I am thankful that he kept our conversations private. When I finally pursued medical transition at the age of 20, my dad kicked me out of the house.

If my family situation had been different I would have had the care I needed sooner via my psychiatrist. I regret not being able to transition sooner. I think about the thousands of dollars I've spent on hair removal, or the masculine features of my body that can never be undone. Gender affirming care would have relieved me of much dysphoria and anxiety. Instead, my childhood was consumed by a dysphoria that could easily have been treated.

## Section II. My Argument Against HB 454

Now to my opposition to HB 454. While I understand the essence of the bill, such as concern for detransitioners, I don't believe that HB 454 is the solution to this issue. While I am not against legislation on this issue, such as surgical age restrictions, I believe HB 454 goes too far, and is discriminatory.

I have 4 primary issues with the bill.

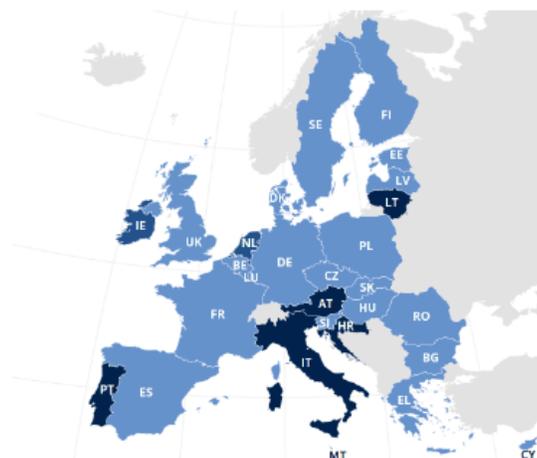
Firstly, I believe privacy is important. Even my faith-based counselor recognized that it would be dangerous to open up these conversations to my parents. It would be a violation of his code of ethics. I can't imagine the turmoil HB 454 would have caused my family. In looking to protect children, their familial situation must be considered. Turning a household abusive, or fueling already abusive parents is not keeping an at-risk population safe.

Secondly, HB 454 misrepresents the research about hormone blockers and hormone therapy. Its research is outdated and uses resources which are obsolete. Different definitions of desisting from a transgender identity, for example. A recent study from the Netherlands shows that 98% of trans youth persist in their trans identity. ([https://www.thelancet.com/journals/lanchi/article/PIIS2352-4642\(22\)00254-1/fulltext](https://www.thelancet.com/journals/lanchi/article/PIIS2352-4642(22)00254-1/fulltext)).

Thirdly, the conversation about how other countries treat gender affirming care is missing an important detail. The age of majority for medical treatment varies across Europe, and this is also true of consent for gender affirming hormones. However, there is one constant that applies to all European countries who provide this care. Parents may consent to hormone therapy for their children. But HB 454 overreaches in this regard. It will not strengthen parental rights, but weaken parents' rights to consent to medical procedures for their children.

We are coming out of a pandemic in which medical rights were often discussed. In my work at a trauma hospital at the height of Covid, I saw that Ohioans value medical freedom. Some wanted Covid vaccines for themselves and their children. Others didn't. Masks were argued often. I believe most Ohioans value freedom of medicine. It's important to recognize that HB 454 is the same scenario. The care should neither be forced nor banned. Otherwise is overreach.

### Age at which a child can access transgender hormone therapy



© EuroGeographics for the administrative boundaries © FRA - All rights reserved - Minimum age requirements related to rights of the child in the EU, 2017  
 Year: 2017  
 Source: FRA, <http://fra.europa.eu>

### Age at which a child can access transgender hormone therapy



### Key aspects

- In twenty Member States, access to transgender hormone therapy is provided for children under the same conditions applied to access any other medical treatment, such as access to reproductive or sexual health services. In this context, the age requirement for access to medical treatment without the consent of a public authority and/or parents is 18 years in **Bulgaria, Cyprus, Greece, France, Hungary, Romania and Slovakia**, 16 years in **Poland and Spain**, 15 years in **Denmark and Slovenia**; 14 years in **Latvia**. In the **United Kingdom** the age requirement ranges from 16 in **Scotland** to 17 in **England** and 18 in **Wales**. In seven Member States, **Belgium, Czechia, Estonia, Finland, Germany, Luxembourg and Sweden**, access depends on the maturity of the child.
- In **Austria, Croatia, Italy, Lithuania and Portugal**, the minimum age requirement for access to transgender hormone therapy is explicitly set at the age of 18 which is stricter than age at which children can access reproductive or sexual health services without parental consent. However, **Croatia** also allows children to have access to transgender hormone therapy before the age of 18 if they have parental consent, without laying down any specific age requirement.
- In twelve Member States, both the regulations for general surgery and express thresholds for transgender hormone therapy dictate the age of 18.
- In **Ireland, Malta** and the **Netherlands**, the age requirement for access to transgender hormone therapy is 16 years. In the **Netherlands**, children can access such therapy from the age of 12 years with parental consent.

A screenshot from the website of the *European Union Agency for Fundamental Rights*

(<https://fra.europa.eu/en/publication/2017/mapping-minimum-age-requirements-concerning-rights-child-eu/access-transgender-hormone-therapy?fbclid=IwAR3Mn2Z-elf6tG1EY7H846AXFTjgyB5NywNfoh6-RyGhqU0w1uabWVyo04>)

Finally, I believe HB 454 is a discriminatory law on the basis of sex. This is based on the 2020 Supreme Court of the United States ruling *Bostock v. Clayton County*. The majority decision, penned by Justice Gorsuch, holds that discrimination on the basis of gender identity is discrimination on the basis of sex ([https://www.law.cornell.edu/supremecourt/text/17-1618#writing-17-1618\\_OPINION\\_3](https://www.law.cornell.edu/supremecourt/text/17-1618#writing-17-1618_OPINION_3)).

The reasoning behind this ruling was applied for gender affirming care for trans youth when a federal judge blocked Arkansas from enacting a bill like HB 454. Concerning hormone therapy, the judge posed the question “how do you justify giving that to one sex but not the other and not call that sex discrimination?” (<https://nypost.com/2021/07/21/federal-judge-blocks-arkansas-trans-youth-treatment-ban/>)

Furthermore, the Republican Governor of Arkansas vetoed their version of HB 454 for being “too extreme,” and said that it “puts a very vulnerable population in a more vulnerable position.” He was concerned it would “interrupt treatment that the parents had agreed to, the patient had agreed to and the physician recommended.” He also wanted to grandfather in patients who were already on hormone treatment. (<https://www.npr.org/2021/04/06/984884294/arkansas-gov-asa-hutchinson-on-trans-gender-health-care-bill-step-way-too-far>).

I believe it is important to heed the warnings of the medical organizations, physicians, other healthcare providers, politicians, and parents of trans children who are in opposition to HB 454. Chair Manchester, Vice Chair Cutrona, members of the House Committee, thank you again for this opportunity to testify today, I am open to discussion if there are questions.