



**Ohio House of Representatives Public Testimony
Higher Education Committee**

April 19, 2023,

Chair Tom Young, Vice Chair Dave Dobos, and Committee Members,

My name is Dr. Rhea Debussy, and my pronouns are she/her. I'm the Director of External Affairs for Equitas Health. As you're likely aware, Equitas Health is a federally designated community health center and one of the largest LGBTQ+ and HIV/AIDS serving healthcare organizations in the country. Each year, we serve tens of thousands of patients in Ohio, Texas, Kentucky, and West Virginia, and since 1984, we have been working to advance "care for all."¹ I'm thankful for the opportunity to address you all today, and I'm here to provide testimony in opposition to HB 6, which would perpetuate discrimination against transgender, non-binary, gender expansive, and intersex student-athletes across the state.

First, I would like to note that the so-called "Save Women's Sports Act" – which pushes transgender, non-binary, gender expansive, and intersex youth and young adults out of school athletics – could not be passed in a standalone form, given the troublesome components of the legislation. Instead, some members of the House of Representatives have – on multiple occasions including in December 2022 – co-opted another piece of legislation, which is unrelated to sports teams for youth and young adults.² This attempt to pass the so-called "Save Women's Sports Act," via this underhanded and clandestine method, is highly concerning. Even so, the actual text of HB 6 is even more alarming than the method by which some legislators are trying to pass it into law.³

As the committee may be aware, I have been a leading national voice in the fight for trans-inclusive policies in sport. Prior to joining Equitas Health, I enjoyed a nearly decade-long career in higher education, and I have been nominated multiple times for the National Collegiate Athletics Association's (NCAA's) Division III LGBTQ Administrator-Staff-Coach of the Year Award.⁴ From 2019 to early 2022, I also held a position as one of less than 60 facilitators for the NCAA's Division III LGBTQ OneTeam Program, which is a national training program that fosters LGBTQ+ inclusion in NCAA Division III athletics.⁵ Upon my coming out as transgender and non-binary, I was then one of the few gender expansive facilitators and the only trans feminine facilitator. During this time, I trained hundreds of coaches, athletics administrators, and student-athletes about LGBTQ+ inclusive policies in

¹ <https://equitashealth.com/about-us/>

² <https://www.whio.com/news/local/ohio-house-passes-bill-that-would-ban-transgender-female-athletes-playing-female-only-sports/BUKYCK77I5BGPPU4UKMLMSANGY/>

³ <https://www.legislature.ohio.gov/legislation/135/hb6>

⁴ <https://twitter.com/NCAC/status/1349519050238550018>

⁵ <https://www.ncaa.org/sports/2019/4/12/division-iii-lgbtq-oneteam-program.aspx>

sport.⁶ In April 2021, I led a group of my fellow facilitators to condemn discriminatory legislation like the “Save Women’s Sports Act,”⁷ and this quickly became national news.⁸ Ultimately, the NCAA fell to the pressure of some legislators,⁹ who have been fixated on stripping away the rights of transgender, non-binary, gender expansive, and intersex student-athletes across the country.¹⁰ In doing so, the NCAA passed an updated “Transgender Participation Policy,” which perpetuates misinformation about gender expansive and intersex athletes. Following the passage of this in January 2022, I made national and international headlines by publicly critiquing the NCAA’s actions and resigning from my position with the NCAA’s Division III LGBTQ OneTeam Program, via an open letter that was published by Athlete Ally¹¹ and profiled internationally by *Sports Illustrated*¹² and others.¹³

While that background information isn’t directly related to HB 6, it is important for you to know that I – as a leading national expert on this topic – am here to share information about the dangers of this specific bill. I hope that these insights will help to ensure that you all do not advance this bill from the committee or schedule it for further hearings. Regarding the impact of HB 6, we know that it – like the previous NCAA policy that I spoke about – relies upon outdated presumptions about gender expansive and intersex athletes, while also using factually incorrect ‘science’ in an attempt to justify this discrimination. While there have been one or two highly publicized studies that claim that trans-feminine people retain an ‘athletic advantage’ even after transitioning, these articles have flaws in their methodology, and one example of this flaw is that such articles often don’t account for training routines of all athletes in the study.

In fact, Dr. Timothy Roberts – a high-profile author of a study that is routinely and *erroneously* cited by people proposing these discriminatory sports bans – has directly said that:

“I’m definitely coming out and saying, ‘Hey, this doesn’t apply to recreational athletes, doesn’t apply to youth athletics.’ ... At the recreational level, probably one year is sufficient for most people to be able to compete. ... [For instance, a transgender woman who transitions before or at puberty] doesn’t really have any advantage [in athletics,] ... so that young lady should be allowed to compete with all the other people who are born women [*sic*]. ... [Regarding Olympic competitions and not youth to college sports,] we need to do a few more studies to see if that’s a permanent effect.”¹⁴

There has also been an evolving body of research about gender expansive and intersex athletes. The bulk of this research demonstrates that gender expansive and intersex athletes do not have an advantage over cisgender and non-intersex athletes,¹⁵ while also noting the intense discrimination that many of these athletes face.¹⁶ For

⁶ <https://www.dispatch.com/story/news/education/2019/11/11/denison-kenyon-training-other-colleges/2314422007/>; See also <https://www.outsports.com/2019/10/25/20931099/ncaa-oneteam-program-division-iii-kenyon-college-athletics-small-school> and <https://kenyoncollegian.com/sports/2019/10/coaches-participate-in-lgbtq-inclusion-training-for-d-iii-sports/>

⁷ <https://www.hrc.org/press-releases/ncaa-lgbtq-oneteam-facilitators-publish-open-letter-condemning-anti-transgender-legislation>

⁸ <https://abcnews.go.com/Sports/ncaa-group-condemns-anti-transgender-sports-bills-open/story?id=76880702>

⁹ <https://www.hrc.org/press-releases/human-rights-campaign-condemns-ncaa-for-failure-to-take-responsibility-unresponsiveness-in-calls-to-protect-lgbtq-athletes>

¹⁰ https://www.lgbtmap.org/equality-maps/sports_participation_bans

¹¹ <https://www.athleteally.org/ncaa-facilitator-resigns-in-protest-over-trans-policy/>

¹² <https://www.si.com/college/2022/01/24/lgbtq-one-withdrawal-letter-dorian-rhea-debussy-transgender-eligibility>

¹³ <https://www.them.us/story/ncaa-lgbtq-facilitator-resigns-trans-college-basketball-player-rights>; see also <https://www.thepinknews.com/2022/01/25/ncaa-trans-employee-quits/>.

¹⁴ <https://www.nbcnews.com/feature/nbc-out/trans-women-retain-athletic-edge-after-year-hormone-therapy-study-n1252764>

¹⁵ <https://www.science.org/content/article/scientist-racing-discover-how-gender-transitions-alter-athletic-performance-including>

¹⁶ <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC5357259/>

instance, 2015 research from the *Journal of Sporting Cultures and Identities* – which focused on race times specifically – shows that transgender women do not have a competitive advantage over cisgender women.¹⁷ Additionally, 2018 research from the academic journal, *Endocrine Reviews*, demonstrates that a testosterone – when suppressed to the standardized range of cisgender women – does not provide an inherent advantage for trans-feminine and intersex athletes.¹⁸ Similarly 2019 research from *The Lancet* notes that the notion of ‘biological sex’ is often incorrectly used to exclude these athletes,¹⁹ and this is often done with pseudo-scientific presumptions about hormones and secondary sex characteristics. In short, the scientific literature clearly demonstrates that there is no problem to fix; instead, legislation, like HB 6, simply targets gender expansive and intersex youth with discrimination.

Regarding the text of HB 6, there are a number of problematic elements that rely upon faulty pseudo-scientific research and discriminatory presumptions about transgender, non-binary, gender expansive, and intersex people. With all of this in mind, Equitas Health opposes HB 6, which would perpetuate discrimination against transgender, non-binary, gender expansive, and intersex student-athletes across the state. As such, we urge this committee to not advance this bill from the committee or schedule it for further hearings, as it is both unnecessary and discriminatory in nature.

Respectfully submitted,

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¹⁷ https://www.researchgate.net/publication/307766116_Race_Times_for_Transgender_Athletes

¹⁸ <https://academic.oup.com/edrv/article/39/5/803/5052770>

¹⁹ [https://www.thelancet.com/journals/lancet/article/PIIS0140-6736\(19\)32764-3/fulltext](https://www.thelancet.com/journals/lancet/article/PIIS0140-6736(19)32764-3/fulltext)