

**Cole-Finley Nelson Opposition Testimony on HB183**

**Before the House Committee on Higher Education**

**October 11, 2023**

Chairman Young, Vice-Chair Manning, Ranking member Miller, and members of the House Higher Education Committee, thank you for the opportunity to offer testimony in opposition of House Bill 183, which seeks to ban transgender students, pre-k through college, from accessing bathrooms within their educational facilities. I come to you today as one of hundreds who will be personally affected by this bill, all to the detriment of my physical and mental health.

I am, like most transgender people, already terrified of using a public bathroom. I know there is the potential for danger and it is a vulnerable space for me to occupy, but sometimes there is no other option than to use the facilities available. I am fortunate in the fact that I am further along in my transition and don't get questioned very often as to which space I should be in, but that has not always been the case. Two years ago, I would quite literally inflict physical illness and harm on myself because of the paralyzing fear that kept me from stepping foot in any bathroom in public. I would plan my day around when I could go home to use the bathroom, to the detriment of my mental health as it intrinsically led to me isolating and not engaging with my environment to avoid getting "stuck" in a situation that would inhibit me from the ability to go home and I would lose my chance.

I have been physically barred from going into a bathroom, verbally harassed, and followed to "check I was in the right place." I have lost track of how many times I have had to just claim I only needed to wash my hands because I was being watched to see if I would stand at a urinal or

go into a stall to judge if I was worthy of the privilege of peeing. This should never be the experience of someone who is simply trying to learn, but can't focus because their bladder is bursting or they are in pain from holding everything in.

If the personal testimony of those who will be directly impacted by this bill don't enlighten you on their own, I will also provide for you professional research and associations that are opposed to bills of discrimination, especially when they prove to be a tremendous health concern. The American Psychological Association (APA) has said, and I quote, that they, "oppose discrimination on the basis of gender identity and gender expression, and actively oppose the adoption of discriminatory legislation..." They recognize that, "among the TGNB youth who experience bathroom discrimination, 85% reported depressive mood and 60% seriously considered suicide. Furthermore, 1 in three TGNB youths who experienced bathroom discrimination reported a past-year suicide attempt, with 1 in five reporting multiple suicide attempts."

The American Medical Association (AMA) has released statements regarding the hazards of trans-exclusionary bills confirming that, "denying transgender students this access endangers their health, safety and well-being, leads to negative health outcomes and heightens stigma and discrimination." They recognize the reality that trans students will avoid the use of public bathrooms in place of entering ones which feel unsafe for them and increase dysphoria. The unavoidable result is that "...students who avoid using the restroom can have medical consequences... including recurrent urinary tract infections...as well as the possibility of more serious health complications, including chronic kidney disease." An additional step taken by

trans individuals is to limit fluid intake, risking severe dehydration and brain fog, to avoid using a public restroom because of discrimination and threats to their safety.

Beyond the real harm this bill will inflict on human beings, a question I have yet to hear be answered is how will this bill be enforced and verified? If one of the proponent arguments is that this is to prevent harassment and trauma (albeit, only if they are cis), I can only assume there has been a plan set in place for a non-intrusive way to validate one's sex without harassment or unnecessary poking and prodding. Yet, I have not heard even a whisper of what those methods may be. As stated by *Frontiers in Sociology*, "...laws that forbid the use of restrooms due to gender identity are impossible to enforce, unless the government is willing to engage in invasive policing of the use of restrooms by its citizens..."

What are the goals of preventing transgender folks from using the bathroom that aligns with their identity? If it is to prevent harassment and attacks, "research shows precisely that young transgender people are exposed to much higher rates of violence in US schools' restrooms (middle and high school) than young cisgenders." So, if anything, more compassion and concern should be allocated to our trans students who are facing threats for simply needing a place to pee.

Ultimately, trans people do not increase the potential for harm in a bathroom space and we are not predators trying to "take advantage" of a private space. Furthermore, the passage of this bill will not prevent those who wish to inflict harm from using that space, if that is what they wanted to do. We just want to be able to exist in the world and cultivate community, like everyone else,

which will be increasingly difficult if this bill is passed. I urge you to please oppose HB 183 for the sake of equality and the health of hundreds of people who just need to pee.

References and extra information:

<https://transequality.org/sites/default/files/docs/resources/Trans-People-Bathroom-Access-July-2016.pdf>

“Denying transgender students this access endangers their health, safety and well-being, leads to negative health outcomes and heightens stigma and discrimination”

“And students who avoid using the restroom can have medical consequences... including recurrent urinary tract infections and constipation, as well as the possibility of more serious health complications, including chronic kidney disease.”

[^https://www.ama-assn.org/delivering-care/population-care/exclusionary-bathroom-policies-harm-transgender-students](https://www.ama-assn.org/delivering-care/population-care/exclusionary-bathroom-policies-harm-transgender-students)

“Safe access to public restrooms is a right and a necessity for participation in civic life, in the workplace, in educational settings and other public spaces. However, many transgender people are afraid to go to bathrooms, as they are exposed to embarrassment (and violence) and may even be prevented from accessing them.”

“...trans-exclusionary laws that are based on a notion of sex as physical or chromosomal anatomy. In this regard, laws that forbid the use of restrooms due to gender identity are impossible to enforce, unless the government is willing to engage in invasive policing of the use of restrooms by its citizens...”

“...cissexism relates to discourses and practices that invalidate transgender identities in a subtler or veiled way.”

Paraphrased- Trans individuals choose to limit fluid intake, risking severe dehydration and brain fog, to avoid the fear of using a public restroom because of discrimination and threats to their safety.

“Arguments that unilaterally conceive the access of transgender people to restrooms according to their gender identities as a risk factor for the safety of other people assume, even implicitly, that the transgender population does not deserve to be protected under the same standards as the cisgender population. This is particularly alarming, given that research shows precisely that young transgender people are exposed to much higher rates of violence in US schools' restrooms (middle and high school) than young cisgenderers.”

“Violence cases can happen and/or happen in restrooms regardless of the approval of trans-inclusive bathroom measures or laws.” -It does not make it more likely for these crimes to occur if trans people can go into bathrooms aligning with their gender. If someone intends to attack someone, some bill in the state will not prevent that from occurring.

[^https://www.frontiersin.org/articles/10.3389/fsoc.2021.652777/full](https://www.frontiersin.org/articles/10.3389/fsoc.2021.652777/full)

“Among the TGNB youth who experienced bathroom discrimination, 85% reported depressive mood and 60% seriously considered suicide. Furthermore, 1 in three TGNB youths who experienced bathroom discrimination reported a past-year suicide attempt, with 1 in five reporting multiple suicide attempts.”

[^https://www.jahonline.org/article/S1054-139X\(20\)30653-4/fulltext](https://www.jahonline.org/article/S1054-139X(20)30653-4/fulltext)

“NASP affirms our long-standing position on necessary policies and practices to support the safety and wellbeing of all students, including those who are transgender and gender diverse. We believe that the civil rights of transgender students are protected as part of U.S. public schools’ obligations under Title IX of the Education Amendments of 1972. This includes respecting a

person’s right to express gender identity, and the right to modify gender expression when necessary, and to have their gender identity affirmed and acknowledged. Our position is consistent with all major medical, mental health, and education organizations.”

[^https://www.nasponline.org/resources-and-publications/resources-and-podcasts/diversity-and-social-justice/lgbtq-youth/transgender-youth](https://www.nasponline.org/resources-and-publications/resources-and-podcasts/diversity-and-social-justice/lgbtq-youth/transgender-youth)

“APA opposes discrimination on the basis of gender identity, gender expression, and transgender and gender nonbinary identities, and actively opposes the adoption of discriminatory legislation...”

[^https://transhealthproject.org/resources/medical-organization-statements/american-psychological-association-statements/](https://transhealthproject.org/resources/medical-organization-statements/american-psychological-association-statements/)

“The court also said barring students from using the bathroom that matches their gender identity violates Title IX, an education law that prohibits sex-based discrimination.”

[^https://www.politico.com/news/2021/06/28/supreme-court-transgender-rights-496710](https://www.politico.com/news/2021/06/28/supreme-court-transgender-rights-496710)

“In a new policy directive, the department said discrimination based on a student’s sexual orientation or gender identity will be treated as a violation of Title IX, the 1972 federal law that protects against sex discrimination in education.”

[^https://www.pbs.org/newshour/education/biden-admin-extends-title-ix-protections-to-transgender-students](https://www.pbs.org/newshour/education/biden-admin-extends-title-ix-protections-to-transgender-students)

“Title IX prohibits sex-based discrimination in education. As many courts, including four federal appeals courts, have recognized, laws prohibiting discrimination on the basis of sex prohibit discrimination against transgender people — meaning that transgender students have a right to equal access to educational opportunities under Title IX. Among other things, the law requires

schools to respect transgender students' gender identity with regards to dress codes, names, pronouns, and access to single-sex facilities (including restrooms).”

<sup>^</sup><https://knowyourix.org/college-resources/title-ix-protections-lgbtq-students/>