

HB 183 Opponent Testimony Hearing
Wednesday, October 11, 9:30am
House Higher Education Committee, Room 17

Tom Young, Chair
Gayle Manning, Vice Chair
Joseph A. Miller, III, Ranking Member

Re: So-called “bathroom” bill that would restrict transgender students from accessing the bathroom matching their gender identity.

This is submitted testimony not in-person.

My name is Jennifer Simkins-Bullock and I’m from Toledo. I am writing to encourage the committee to reject this discriminatory bill and other legislation that harms transgender and nonbinary students.

This bill is ostensibly about safety in bathrooms. Or, to be clear, the safety of cisgender children in bathrooms. The safety of trans and nonbinary children is clearly unimportant to the authors of this proposed bill.

As you have surely heard in testimony after testimony, there is no data supporting the fear-mongering noting that transgender children are more likely to attack cisgender children in bathrooms. Perhaps you have heard of an instance or two of a person who is transgender or claiming to be transgender as committed violence against someone in a restroom. However, if one is interested in real data rather than anecdotal accounts, I submit the following for your consideration.

1. Carlos Maza and Luke Brinker, “15 Experts Debunk Right-Wing Transgender Bathroom Myth,” *Media Matters for America*, March 20, 2014. The byline for this piece reads: *Experts in 12 states – including law enforcement officials, government employees, and advocates for victims of sexual assault – have debunked the right-wing myth that sexual predators will exploit transgender non-discrimination laws to sneak into women’s restrooms, calling the myth baseless and “beyond specious.”*
2. Brian S. Barnett, Ariana E. Nesbit, and Renée M. Sorrentino, “The transgender bathroom debate at the intersection of politics, law, ethics, and science,” *The Journal of the American Academy of Psychiatry and the Law* 46, no. 2 (2018), 232-241. This is a peer-reviewed study that states in its Conclusions section: *“From a scientific and evidence-based perspective, there is no current evidence that granting transgender individuals access to gender-corresponding restrooms results in an increase in sexual offenses.”*

3. Amira Hasenbush, Andrew R. Flores, and Jody L. Herman, "Gender identity nondiscrimination laws in public accommodations: A review of evidence regarding safety and privacy in public restrooms, locker rooms, and changing rooms," *Sexuality Research and Social Policy* 16, no. 1 (2019), 70-83. This peer-reviewed study used Massachusetts as a case study *"to empirically assess whether reports of safety or privacy violations in public restrooms, locker rooms, and dressing rooms change in frequency in localities that have gender identity inclusive public accommodations nondiscrimination ordinances (GIPANDOs) as compared to matched localities without GIPANDOs."* They report that: *"By using public records and statistical modeling, we found no evidence that privacy and safety in public restrooms change as a result of the passage of GIPANDOs."*

4. Source: <https://www.cnn.com/2017/03/07/health/transgender-bathroom-law-facts-myths/index.html> As of March 2017, 19 states, the District of Columbia and more than 200 municipalities have anti-discrimination laws and ordinances allowing transgender people to use public facilities that correspond to their gender identity. CNN found one case of a Seattle man who allegedly undressed in a women's locker room in 2016, citing Washington's anti-discrimination law as motivation. Otherwise, whenever the topic comes up in the news, prosecutors, law enforcement agencies and state human rights commissions have consistently denied that there is any correlation between such policies and a spike in assaults. CNN reached out to 20 law enforcement agencies in states with anti-discrimination policies covering gender identity. None who answered reported any bathroom assaults after the policies took effect. Michael Dunton, chief records clerk of Rhode Island's Cranston Police Department, told CNN his department was *"hard-pressed" to find such a case:* "We track our sex offenders very carefully and we haven't seen any instance of sexual predators assaulting in bathrooms." In Maine, which has had gender identity protections in its state civil rights law for more than 11 years, the state Human Rights Commission was unaware of.

So, while there is little evidence that transgender people are an increased to cisgendered people in bathrooms (or elsewhere), there is ample evidence of transgender people being the victims of violence in bathrooms (and elsewhere).

1. Per the think-tank UCLA's Williams Institute associated with UCLA, in one of the largest surveys of transgender and gender non-conforming Americans ever conducted (as of 2013), 70% of respondents reported being denied access, verbally harassed, or physically assaulted in public restrooms. Source: <https://www.cnn.com/2017/03/07/health/transgender-bathroom-law-facts-myths/index.html>

2. Murchison, G.R., Agenor, M. Reisner, S.L., Watson, R.J. School Restroom/Locker Rooms Restrictions and Sexual Assault Risk Among Transgender Youth. *Pediatrics*. 2019 Jun; 143(6). Researchers out of Harvard T.H. Chan School of Public Health analyzed data from 3,673 adolescents in the LGBTQ Teen Study, an anonymous web-based survey of US kids ages 13 to 17. 36% of transgender or gender-nonbinary students with restricted bathroom or locker room access reported *being* sexually assaulted in the last

12 months. Of all students surveyed, 1 out of every 4, or 25.9%, reported being a victim of sexual violence. The rates of sexual assault for nontrans US teens, those whose gender identity matches their sex assigned at birth, is 15% for girls and 4% for boys, according to the Youth Risk Behavior Surveillance Survey administered by the US Centers for Disease Control and Prevention.

3. Jody L. Herman, "Gendered restrooms and minority stress: The public regulation of gender and its impact on transgender people's lives," *Journal of Public Management & Social Policy* 19, no. 1 (2013), 65-80. From the Abstract: *"This paper employs a minority stress framework to discuss findings from an original survey of transgender and gender non-conforming people in Washington, DC about their experiences in gendered public restrooms. Seventy percent of survey respondents reported being denied access, verbally harassed, or physically assaulted in public restrooms. These experiences impacted respondents' education, employment, health, and participation in public life."*
4. Sandy James, Jody Herman, Susan Rankin, Mara Keisling, Lisa Mottet, and Ma'ayan Anafi, *The report of the 2015 US transgender survey*, (Washington, DC: National Center for Transgender Equality, 2016).

This was a large survey of 27,715 transgender people across the United States. The main bullet-points from their "Experiences in Restrooms" section (pp. 224-230) reads:

- *Nearly one-quarter (24%) of respondents said that someone had questioned or challenged their presence in a restroom in the past year.*
 - *Nearly one in ten (9%) respondents reported that someone denied them access to a restroom in the past year.*
 - *One in eight (12%) respondents were verbally harassed, physically attacked, or sexually assaulted when accessing or using a restroom in the past year.*
 - *More than half (59%) avoided using a public restroom in the past year because they were afraid of having problems.*
 - *Nearly one-third (32%) limited the amount they ate or drank to avoid using the restroom in the past year.*
 - *Eight percent (8%) reported having a urinary tract infection, kidney infection, or another kidney-related problem in the past year as a result of avoiding restrooms.*
5. Gabriel R. Murchison, Madina Agénor, Sari L. Reisner, and Ryan J. Watson, "School restroom and locker room restrictions and sexual assault risk among transgender youth," *Pediatrics* 143, no. 6 (2019), e20182902.

From the Discussion section: *“In our sample of transgender and nonbinary US adolescents, the 12-month prevalence of sexual assault was 25.9%, substantially higher than national rates of 15% among cisgender high school girls and 4% among cisgender boys. After adjusting for potential confounders, compared with nonrestricted youth of the same gender identity and sex assigned at birth, school restroom and locker room restrictions were associated with 1.26 times the risk of sexual assault for transgender boys, 1.42 times the risk for nonbinary youth AFAB, and 2.49 times the risk for transgender girls.”*

Bonus information:

Thirty-two percent of transgender people said they limited the amount they ate or drank at least once in the previous year so they did not need to use a public restroom. Eight percent reported having a kidney or urinary tract infection, or another kidney-related medical issue, because they avoided restrooms. (Hmm, could this be cause for a lawsuit against a school?)

Diane Ehrensaft, a clinical psychologist and founding member of the UCSF Child and Adolescent Gender Center, and Dr. Stephen Rosenthal, medical director of the clinic, noted, “Not surprisingly, some [transgender youth] will avoid using restrooms altogether,” This means teens may not drink enough fluids and may ignore the need to use the restroom, resulting in urinary tract infections, impacted bowels and avoidance of school altogether, they added. Source: <https://www.cnn.com/2019/05/06/health/trans-teens-bathroom-policies-sexual-assault-study/index.html>

Common Myths:

Transgender people don't deserve protections

The claim: Being transgender is not a valid condition. Transgender people are mentally ill and should not be afforded the same legal protections or healthcare guarantees as gay and lesbian Americans.

The facts: The clear majority of mainstream medical, psychiatric and psychological communities agree that being transgender is not a concocted fantasy or mental illness. It's simply a valid state in which one's gender does not match what was assigned at birth.

Explained: The medical community defines gender identity as the way in which people perceive themselves, which could be different from their gender at birth. A transgender person's gender identity is different from cultural expectations based on the gender they were born with. Characterizing transgender identity as a mental disorder contributes to *precarious legal status*, human rights violations, and barriers to appropriate health care, according to a study published in The Lancet in 2016. [https://www.thelancet.com/journals/lanpsy/article/PIIS2215-0366\(16\)30165-1/fulltext](https://www.thelancet.com/journals/lanpsy/article/PIIS2215-0366(16)30165-1/fulltext) A condition is designated a mental illness when it causes significant distress. For many, simply being transgender does not cause dysfunction - it's the social stigma and barriers to expressing one's identity that cause problems, according to the American Psychological

Association, the American Medical Association and other healthcare organizations. The Diagnostic and Statistical Manual of Mental Disorders (DSM) includes the term “gender dysphoria” to describe the distress some feel. The term was adopted in 2013 to replace “gender identity disorder,” which designated transgender identity a mental illness.
<https://www.cnn.com/2017/03/07/health/transgender-bathroom-law-facts-myths/index.html>

Myth #2 Letting children identify as transgender is harmful

Claim: Children are too young to know if they are transgender, and supporting a child who identifies as transgender is child abuse.

The facts: Research shows that not allowing transgender children to live their gender identity is harmful, and can be deadly.

Explained: Decades of research suggest that when it comes to psychological traits and abilities, boys and girls are more alike than they are different. A child’s parents and environment are more likely to influence their gender expression than the body parts they were born with, and the concept of gender becomes more fixed as we grow.

Just as it advises for adults, the medical community endorses letting children live their gender identity to avoid gender dysphoria or other conditions that may hinder mental or social developmental.

Groups including Family Research Council, considered a hate group by the Southern Poverty Law Center, cite the American College of Pediatrics in arguments against supporting transgender children. The American College of Pediatrics is estimated to have only a few hundred members compared to the 64,000 members belonging to the well-established American Academy of Pediatrics, which supports allowing transgender children to socially transition at an early age.

<https://www.cnn.com/2017/03/07/health/transgender-bathroom-law-facts-myths/index.html>

I’m sure I lost you pages ago and frankly I don’t believe anyone reads these testimonials anyway. It is clear to me that this bill was a “done deal” the moment Republicans achieved majorities in the State House and Senate and a Republican governor was elected. I don’t believe anymore than conservatives are motivated by facts, science, or by compassion. We seem to live in a world of anti-reason where somebody’s personal feeling trumps actual data and large political donations trump treating our fellow humans as we would wish to be treated ourselves.

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