

GENDER-AFFIRMING CARE in WYOMING



RECOMMENDATION

Please OPPOSE SF 111 and other bills that limit medically-essential gender-affirming care.

Bills that limit gender affirming care will have serious, harmful consequences. Many Wyomingites, in their lifetime, may seek the kind of care that these bills would limit. Gender-affirming care for LGBT people is recognized by the medical community as safe and necessary. Bills that limit gender-affirming care create needless, harmful confusion about what gender affirming care actually is. **As conversations and debates occur, it is imperative that you be armed with truthful, factual information.**

WHAT IS GENDER-AFFIRMING CARE?

Sometimes, a person's gender identity doesn't match the body they were born in, which can cause significant harm to their mental health if they do not receive acceptance and appropriate care. That's why good medical and mental healthcare, often called gender-affirming care, is so important.

The American Psychiatric Association defines it as "any treatment with the goal of reducing symptoms of gender dysphoria."¹ This might include talk therapy, vocal training, hormone treatment, and surgical interventions.

WYOMING DATA

Gender-affirming care is often necessary for **intersex people** (individuals born with reproductive or sexual anatomy that doesn't fit the boxes of "female" or "male.") **An estimated 2% of people are intersex: ² about 10,000 Wyomingites, or the same number of farmers and ranchers we have in the state.** People may be diagnosed as intersex anywhere from birth to late life, with the average age being 20.³

Senate File 111 sets an arbitrary, medically inaccurate, and harmful date.

MEDICAL EXPERTISE & FACTS

Medical procedures attendant to gender-affirming care are **not regarded as cosmetic or elective**. They are not "optional," but instead are **deemed medically necessary by, among others:**

- American Medical Association
- American Psychiatric Association
- American Academy of Family Physicians
- American Public Health Association

Someone cannot be "made" to be transgender. Medical gender transitioning is a long and often difficult process. Much of it is reversible. De-transitioning is extremely rare, and is a complex issue. ⁴

This bill could impact more than just those those seeking gender-affirming care.

WHAT ABOUT MENTAL ILLNESS?

Many transgender people experience mental illness, resulting from **lack of acceptance, bullying and harassment**, and **fear of recrimination** from their communities. Tellingly, school-age suicide dropped during lockdown, which has been attributed to ⁵ vulnerable students having respite from bullying.

There is no legitimacy to the claim that being trans is itself a mental illness.

WHAT ABOUT YOUNG PEOPLE?

Gender-affirming care for young people involves **families, mental health professionals, and doctors**.

To give young people enough time to **make the right decision**, and to prevent **extremely distressing experiences**, they may be prescribed medication to delay puberty. This is reversible at any time, and research makes clear that it is safe. ⁷

Wyoming currently has *no* options for minors to receive gender-affirming **surgery**. It's important to know that this kind of surgery is very seldom recommended for minors.

These very personal medical decisions should be left to the privacy of a family and their doctor.

SOURCES

1. A full glossary from the APA can be found here: <https://www.psychiatry.org/psychiatrists/diversity/education/transgender-and-gender-nonconforming-patients/terminology>
2. *Sexing the Body: Gender Politics and the Construction of Sexuality* (Fausto-Sterling, 2000).
3. Please see <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7546494>
4. See, for instance, <https://fenwayhealth.org/new-study-shows-discrimination-stigma-and-family-pressure-drive-detransition-among-transgender-people>
5. See <https://www.economist.com/graphic-detail/2023/01/10/why-did-teenage-suicides-decline-during-americas-first-covid-19-lockdowns>
6. See again <https://www.apa.org/topics/lgbtq/transgender>, "Is being transgender a mental disorder?"
7. Puberty blockers have some risks, but are largely considered to be safe and reversible. See, for instance <https://endocrinenews.endocrine.org/blocking-puberty-in-transgender-youth/>

Further reading: The American Psychological Association: <https://www.apa.org/topics/lgbtq/transgender>

K-12 ATHLETICS & TRANS YOUTH in WYOMING



RECOMMENDATION

Please **OPPOSE** all anti-trans athlete bills in Wyoming, including HB 187, "Student Eligibility in Interscholastic Sports"

Current policy should be codified as-is with only the following change: The local panel of experts' decision should be a recommendation to the state board of education, which assumes liability in the event of Title IX suits.

WHY OPPOSE ANTI-TRANS ATHLETE BILLS?

- Anti-trans athlete bills don't rely on scientific data but on political rhetoric.
- The proposed changes violate Title IX, which prohibits sex-based discrimination.
- All K-12 children should have the opportunity to participate in sports, which build character, leadership, cooperation, and self-discipline. These are essential Wyoming values.

Wyoming Policy: A nation-leading example

The Wyoming High School Activities Association's (WHSAA) policy on trans athletes has been successful for nine years, and has been used as an exemplary model of fairness across the nation.

WHSAA policy:¹

"[...] all students should be considered for the opportunity to participate in Wyoming High School Activities Association activities in a manner that is consistent with their gender identity, irrespective of the gender listed on a student's records."

Wyoming Constitution Article 7 Section 10:²

"In none of the public schools so established and maintained shall distinction or discrimination be made on account of sex, race or color."

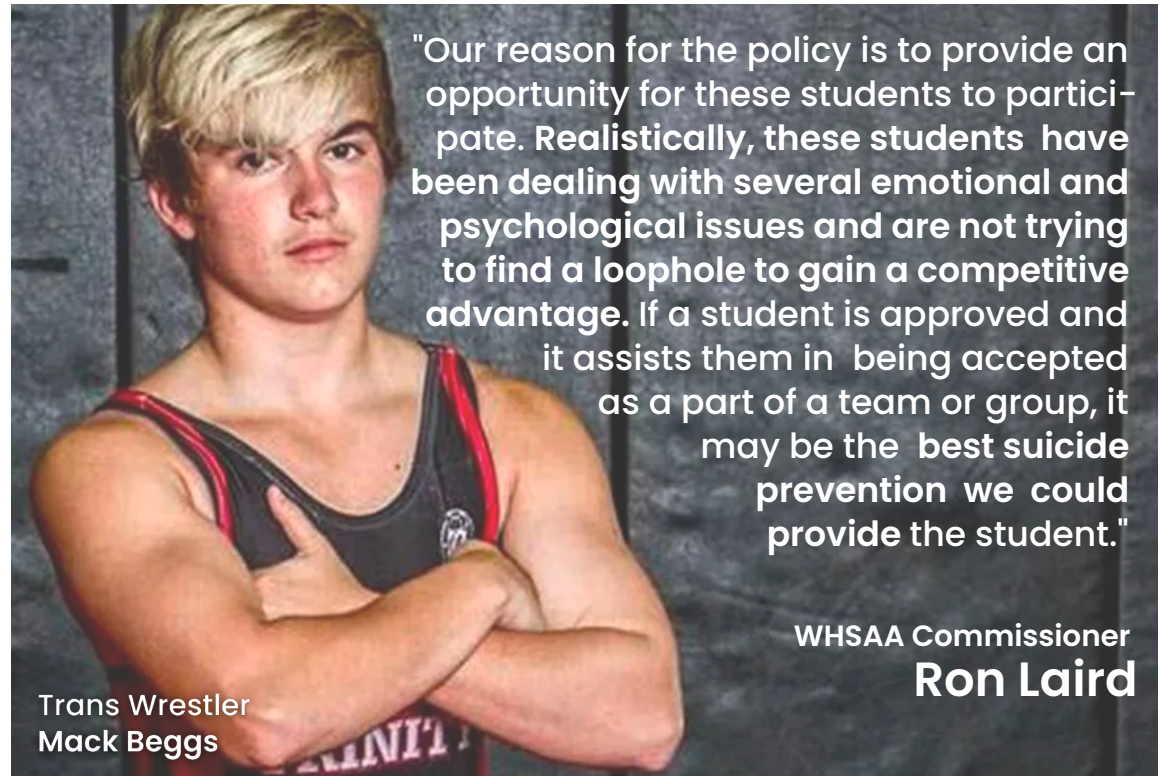
Justice Niel Gorsuch's SCOTUS ruling in *Bostock v. Clayton County*:³

Prohibition against sex discrimination prohibits discrimination on the basis of sexual orientation or transgender status.

KEY INFORMATION

Biologically speaking, not everyone is born exclusively with typical male and female characteristics.⁴ In athletics, chromosomes and testosterone level (for example) are **not valid indicators of athletic performance.**⁵

Evidence shows that forcing trans girls to participate as boys is **deeply harmful** to those individuals.⁶



"Our reason for the policy is to provide an opportunity for these students to participate. Realistically, these students have been dealing with several emotional and psychological issues and are not trying to find a loophole to gain a competitive advantage. If a student is approved and it assists them in being accepted as a part of a team or group, it may be the best suicide prevention we could provide the student."

WHSAA Commissioner
Ron Laird

Trans Wrestler
Mack Beggs

SOURCES

1. See <http://www.whsaa.org/handbook/Handbook.pdf>
2. See <https://sos.wyo.gov/Forms/Publications/WYConstitution.pdf>
3. See https://www.supremecourt.gov/opinions/19pdf/17-1618_hfci.pdf
4. See <https://doi.org/10.1177/2158244017745577>
5. See, for instance, <https://www.scientificamerican.com/article/trans-girls-belong-on-girls-sports-teams/#>
6. See, again, the above Scientific American article.
7. See, for instance, <https://pubmed.ncbi.nlm.nih.gov/29665513/>
8. See, for instance, <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4024379/>
9. See, for instance, <https://files.eric.ed.gov/fulltext/ED588345.pdf>
10. Information on parental understandings, scientific research on sports and health is available at https://health.gov/sites/default/files/2020-09/YSS_Report_OnePager_2020-08-31_web.pdf

HEALTH IMPACTS

Due to social stigma, transgender people are more likely to experience health issues.

To ban all transgender students from sports effectively prevents them from receiving the social, academic, emotional, and physical health benefits of sports, including in co-ed sports where gender and hormone levels are not relevant.

73% of parents believe that sports benefit their child's mental health, while 88% believe it benefits their child's physical health.¹⁰ Previous research proves both of these groups to be correct when it comes to **reducing diabetes and depression risks**, among other issues.

FREEDOM TO LEARN vs. CENSORSHIP in WYOMING



RECOMMENDATION

Please **OPPOSE** HB 87.

Bills that aim to censor "obscene" materials are **unconstitutional, violate parents' rights, demonstrate government overreach, and hobble our troubled education system.**

Bills that limit First Amendment freedoms cost taxpayers in lengthy court battles that they will inevitably lose. **It is political posturing that is charged to the Wyoming taxpayer.**

Such bills would muzzle the ability of schools, libraries, and public health organizations to provide age-appropriate educational materials. They could also deprive us of tens of millions in public health grant dollars.

Limitations on important educational materials entail massive government overreach, especially when sensible vetting of library resources already occurs within communities.

POLICIES AND DECISIONS

Wyoming Constitution Article 7, Section 11:¹

"Neither the legislature nor the superintendent of public instruction shall have power to prescribe text books to be used in the public schools"

Justice C.J. Burger's SCOTUS ruling in *Miller v. California*:²

"[t]he First Amendment protects works which, taken as a whole, have serious literary, artistic, political, or scientific value, regardless of whether the government, or a majority of the people, approve of the ideas these works represent."

Wyo GOP Platform: Resolution: Free Exchange of Ideas³

WHEREAS, The Wyoming Republican Party recognizes that the First Amendment of the Constitution of the United States is key in acknowledging God given liberties in our Republic; and

WHEREAS, The Wyoming Republican Party does not favor limiting the free exchange of ideas in public institutions or tax payer funded entities.

NOW, THEREFORE, BE IT RESOLVED, that the Wyoming Republican Party formally takes the posture that there should be no "speech codes" or "safe zones" established on public property, including universities, public streets and parks, or municipal, county, state, and federal buildings or property.

Passed: Wyoming Republican Party, 21 May 15 SCC

Parent's Rights

We unequivocally support parents' rights to choose for their *own* family.⁴ Every child is best served when the people who love them the most are involved with them, and when those who brought them into the world are able to advocate for them in the classroom and beyond. We believe that every family must be free to make those decisions for their families - not the Wyoming Legislature.



"Restriction of free thought and free speech is the most dangerous of all subversions. It is the one un-American act that could most easily defeat us."⁵

Supreme Court Justice William O. Douglas

Protecting our Educators

These restrictions are a politicized attack on the teachers and librarians at the front lines of Wyoming's already troubled education system. We are currently dealing with a ***statewide teacher shortage***; bills such as these will only aggravate this crisis.⁶ Teachers and librarians need to be protected to maintain communities that attract business and growth.

SOURCES

1. Wyoming Constitution, Article 7 Section 11:
<https://sos.wyo.gov/Forms/Publications/WYConstitution.pdf>
2. Read the full article, "ACLU History: The Age of Protest: A Banner Era for the First Amendment," here: <https://www.aclu.org/other/aclu-history-age-protest-banner-era-first-amendment>.
3. See www.Wyoming.GOP/post/free-exchange-of-ideas
4. As per the American Library Association, Library Bill of Rights, <https://www.ala.org/advocacy/intfreedom/librarybill>. Read the complete Wyoming Library Association Tenets here: <https://wyla.org/page-18044t>
5. American Library Association, The One Un-American Act <https://www.ala.org/advocacy/intfreedom/librarybill>
6. Wyoming Education Association, Teacher Attrition in Wyoming: Factors to Consider, <https://drive.google.com/file/d/1hG91Ga3jONVtA7VtTCs-jwpMmGaj1kGS/view>

"DON'T SAY GAY" bills in WYOMING



RECOMMENDATION

Please OPPOSE SF 117 "Parental rights in education" and any other "Don't Say Gay" bills, which forbid the teaching about gender identity and sexual orientation to children.

SF 117:

- flagrantly harm children, educators, and Wyoming families.
- hurt our economy by telling families, tourists, and businesses that they are not welcome in Wyoming.
- put discrimination into state law.
- violate the most basic trust we put in our schools: that they should protect and respect the dignity and freedom of all students and families.
- politicize and censor education, seeking political gains at the expense of educators and children.

"Wyoming always wants to be recognized as a state that respects the rights of all people, gay and transgender, (and) respects the religious liberties and rights of people. We should focus on education, we should focus on 'are we taking care of our seniors' or 'what are we doing on roads.' These issues that we're talking about, they tend to take a tremendous amount of time, cause a lot of angst, and as you've seen them come up before they generally don't reach the end anyway." **-Gov. Matt Mead**

1. Please see Martin & Ruble (2010), "Patterns of gender development": doi.org/10.1146/annurev.psych.093008.100511

Doesn't it just apply to K-3?

No. The vague language of this bill opens the door to burdensome censorship on teachers and children at all levels. Florida has offered a good example of this.

K-3 children are not too young to learn that people who are different from them exist and deserve respect. Children understand gender from around age 2; they are *not* too young for age-appropriate awareness of basic diversity.¹

Isn't it more about parents' rights?

No. **"Parental rights" should never mean that some children should a better, freer school experience.** This would codify *into state law* an unjust "separate but equal" system. It would make criminals of children of same-sex parents, LGBT youth, and the teachers who refused to censor them.

Lawmakers in Florida made clear: the **primary objective of bills like this is to limit speech about sexual orientation and gender identity.**