

Senate Judiciary Committee

Pete Mulvey 271-4063

SB 268, permitting classification of individuals based on biological sex under certain limited circumstances.

Hearing Date: February 13, 2025

Time Opened: 2:30 p.m.

Time Closed: 5:28 p.m.

Members of the Committee Present: Senators Gannon, Abbas, Altschiller and Reardon

Members of the Committee Absent : Senator Carson

Bill Analysis: This bill permits classification of individuals based on biological sex in lavatory facilities and locker rooms, sporting competitions, and detention facilities.

Sponsors:

Sen. Avard

Sen. Lang

Who supports the bill: 113 individuals signed in support of SB 268. Contact Pete Mulvey for further detail (peter.mulvey@gc.nh.gov).

Who opposes the bill: 1790 individuals signed in opposition to SB 268. Contact Pete Mulvey for further detail (peter.mulvey@gc.nh.gov).

Who is neutral on the bill: N/A

Summary of testimony:

Senator Kevin Avard

Senate District 12

- Sen. Avard said the Supreme Court couldn't define what a woman was.
- SB 268 addressed a prominent constituent issue.
- If a woman cannot be defined, society is destabilized and unsafe.
- Sen. Avard said we have understood the biblical standards for men and women for a millennium.
- Cults and religions have arisen over the years saying you can be both; they've come and gone.
- What used to be societal norms have now been destabilized by uncertainty.
- Sen. Avard pointed to line 19 on page two of the bill, which stated that the general court had a fundamental commitment to treat all people with dignity, respect, and without discrimination.

However, there were certain limited circumstances to properly classify someone to serve the compelling state interests of privacy and safety.

- Sen. Avard maintained that classifying individuals under standard terms was beneficial.
- Line two of the third page delineates that in prisons, bathrooms, mental health centers, and other similar settings shall be held to the standard classifications for sex.
- These are values we are instilled with as children through the likes of Mr. Rogers, teachers, nuns, and guidance counselors.
- Sen. Avard hoped to keep girls safe playing sports.
- Sen. Avard clarified that just because girls got hurt did not mean girls were not tough.
- Sen. Altschiller asked Sen. Avard if men frequented women's bathrooms in his district.
 - Sen. Avard said it happened across the state and involved minors.
- Sen. Altschiller asked if the bill was meant to deter transgender women from using public restrooms.
 - Sen. Avard said the bill was meant to ensure biological men used the bathroom for men, and vice versa.
- Sen. Altschiller asked what enforcement would look like.
 - Sen. Avard deferred the question to municipalities.
 - Sen. Avard had seen videos of girls entering bathrooms only to see fully grown men washing their hands.
- Sen. Reardon asked Sen. Avard what happened when a biological man had transitioned to a woman.
 - Sen. Avard contended the use of the term transition. He stated it didn't happen. Sen. Avard contemplated how to determine trans status and gender dysphoria. The confusion destroyed society.
 - Sen. Avard said there are stark philosophical differences, and we all needed to have the same freedoms, and needed to protect the innocence of children.
- Sen. Reardon maintained that Catholics are raised to accept. Sen. Reardon asked why it was appropriate for 424 legislators to make these decisions for so many.
 - Sen. Avard said his proposed classifications have been the norm for a millennium across the globe.
- Sen. Avard stated that he was commanded to love his neighbor without judgment and emphasized that everyone was sinners and that no one held the right to determine if another was evil.
- SB 268 sought to protect traditional science and biology
- A girl should have civil action if forced to play a sport against a biological man.
- Sen. Avard stated that individuals had the right to step outside norms – not the right force those values on others who may disagree.
- Sen. Gannon asked Sen. Avard why a girl may elect to not play against men.
 - Sen Avard identified safety and privacy as potential reasons.
- Sen. Abbas asked Sen. Avard if bathrooms were or were not classified by immutable biological sex characteristics.
 - Sen. Avard deferred the question.
- Sen. Altschiller asked if Sen. Avard's daughter played with a transgender girl, if she would have a right to civil action to remove the child from the team.
 - Sen. Avard said transgender girls were biological men.
- Sen. Altschiller asked if Sen. Avard thought transgender girls were not girls.
 - Sen. Avard said they were not.

- Sen. Altschiller asked if a girl he didn't believe was a girl was on a team with his daughter, then would his daughter have a civil right of action against the other child to create space.
 - Sen. Avard said yes.
- Sen. Altschiller concluded the purpose of SB 268 was to prevent those identifying as transgender from using spaces for their gender.
 - Sen. Avard said SB 268 was not about identity but biologics. Sen. Avard believed that Sen. Altschiller's question inferred that the rest of society concurred with her.
- Sen. Altschiller stated she sought to understand genesis and who the bill served.
 - Sen. Avard indicated that the language of the bill and his opening testimony answered the question. His constituents asked for the bill.
- Sen. Altschiller asked what happened if this became law. What happened if an employer opted to have a bathroom ban on their property, or place of business, and certain employees protested. Sen. Altschiller wondered if they could be fired, or if they would have the right to file discrimination claims.
 - Sen. Avard said the employees in question would be in violation of the law.
- Sen. Gannon asked if the employees' hypothetical conduct would be considered a violation because of the compelling state interest.
 - Sen. Avard said it was spelt out.
- Sen. Altschiller asked why it was dangerous for transgender women to use women's bathrooms.
 - Sen. Avard asked Sen. Altschiller why it was dangerous for men to enter women's rooms
- Sen. Altschiller reiterated the question.
 - Sen. Avard said evil existed. We did not know the hearts of individuals. Some may masquerade. SB 268 protected women, and men, because we cannot tell who had good or evil intentions.
- Sen. Gannon asked if privacy and safety was the simplest understanding of the bill.
 - Sen. Avard confirmed.
 - Sen. Avard concluded that his constituents wanted to return to normal

Karin Como

Meredith resident

- Spoke in opposition
- Bill wouldn't do anything to make locker rooms or bathrooms safer.
- Trans people were not criminals.
- It was not long ago that society was uncomfortable with race mixing.
- Laws served to protect people.
- Gay men used to be considered pedophiles.
- Things can be confusing, and they change overtime. Ms. Como believed humans were smart enough to overcome that.
- Ms. Como asserted that SB 268 categorized minorities as criminals.
- Laws had to protect dignity and rights.
- Transgender identity was not going away.
- Society needs to understand trans identity, embrace it, and help the population live productive lives.
- Trans individuals lived in fear, fear of outing, fear of harassment; it is difficult to go out in public.

- Sen. Gannon said he was more interested in sports. Men tended to achieve higher speeds and more strength. Sen. Gannon asked if society was taking sports away from biological girls given the physical danger posed by transgender athletes.
 - Ms. Como noted that is far more likely for children to be hurt playing against similar counterparts – trans athletes were rare.
 - While there are some safety concerns, society needs to make data driven reasonable decisions that do not discriminate against people.
- Sen. Gannon asked Ms. Como to address Sen. Avards concerns about privacy.
 - Ms. Como clarified that every woman’s room had stalls. They aren’t open like a men’s room.
 - Ms. Como believed that Sen. Avard assumed trans people were criminals. Trans individuals use the bathroom and leave like anyone else. No one wants to be outed or cause issues, as it is scary for them as well.
- Sen. Abbas did not agree that trans individuals were criminals or intrinsically dangerous. Sen. Abbas asked If bathrooms weren’t separated by sex, what policy could be incorporated that could be enforced.
 - Ms. Como noted that in Europe they had non-gender bathrooms without issue.
- Sen. Abbas asked Ms. Como what to say to the biological girl who lost her spot to a transgender girl.
 - Ms. Como maintained that there was no such thing as a level playing field, some people are better than others, have better gear, better resources.
- Sen. Altschiller asked if Ms. Como thought that transgender girls and boys participating in sports and society in N.H posed a threat to cisgendered individuals.
 - Ms. Como stated that cisgender people were the majority, and that trans inclusion would not harm them.

Nancy Brennan

Weare resident

- Ms. Brennan was opposed to SB 268.
- Transgender people were singled out via witch hunt.
- \$222m was spent in anti-trans ads to target 1% of the population.
- All major medical and psychiatric associations recognized gender as a continuum
- Transgender individuals have existed throughout history.
- Trans people did not endanger cisgender individuals, meanwhile bills endanger trans people.
- No increase had been found in the assault of cis people in private spaces
- SB 268 stated that it did not discriminate but made exceptions to do exactly that.
- Ms. Brennan urged the committee to find the bill inexpedient to legislate.

Pasha Roberts

Board Member - 603 Equality

- Nature was not simple.
- Human biology was not clear.
- Pasha was born intersex.
- There are 35 medical variations for intersex status.
- There is no reason to insist that chromosomes, genes, or hormones match each other.
- The basis of SB 268 was flawed.
- The law created medical discrimination.

- Certain conditions can produce facial hair in cisgendered women. Biologics were naturally messy.
- SB 268 was dangerous.
- Sen. Gannon referred to section III and stated the compelling safety interest and asked Pasha to respond.
 - Pasha said the bill depended on a binary spectrum of sex.
- Sen. Abbas asked if intersex included transgender.
 - Pasha said it did not, intersex was biology, gender was not.
- Sen. Altschiller asked Pasha if they would not fit into the binary created by the bill.
 - Pasha said the bill defined two born statuses: male and female. They would not fit.

Samantha Como

Meredith resident

- Ms. Como maintained that the bible was not the constitution
- Biblical values may influence views but cannot serve as justification to create laws. That was antithetical to America's founders' vision.
- The founders feared the tyranny of the majority. Trans individuals were .5% of the population. SB 268 was a tyrannical majority telling trans individuals how to live their lives.
- Transgender women are subject to catcalls and discrimination. Ms. Como did not want to enter enclosed spaces with men.
- Ms. Como referred to a practice called 'V coding'. In prison, transgender inmates are placed with dangerous inmates. 60% of trans inmates reported forced sexual acts in prison.
- SB 268 put transgender individuals in dangerous, potentially life-threatening situations.

Bonnie Bruno

Hollis resident

- Opposed to SB 268.
- SB 268 was written to amend existing law against discrimination.
- Ms. Bruno asked when it was ever expedient to reverse discrimination protections.
- SB 268 was harmful; a misguided red herring directed at trans people
- SB 268 would allow discriminatory practices.
- Ms. Bruno asked the committee to find the bill inexpedient to legislate.
- Sen. Abbas asked if Ms. Bruno would feel unsafe with three men in the women's bathroom
- Ms. Bruno said that she would feel unsafe.

Arthoen Wolf

Concord resident

- Opposed to SB 268.
- SB 268 forced individuals to use facilities against their identity.
- Legislation preventing sexual violence, assault and rape would protect women.
- SB 268 will result in cruel and unusual consequences. As a healthcare provider in the corrections system, Arthin believed SB 268 would cause irreparable harm.
- Use of a public restroom would be contentious and problematic for anyone not visibly conforming. Arthin contemplated how the law could be enforced without an invasion of privacy.
- Trans individuals were not valued or respected, resulting in an environment of hatred and harm.

Claudia Hoover

- Ms. Hoover was opposed to SB 268.
- Ms. Hoover is a retired teacher and parent.
- No evidence suggested trans individuals were deviant or different.
- SB 268 was inhumane.
- Trans athletes were less than 1% of all athletes.
- If a child chooses puberty blockers, with parental support, the differences between physicality lessen and ultimately disappear.
- Athletes were already very diverse in terms of physicality.
- Humans tolerate variation.
- Sen. Gannon referred to a national athlete and asked Ms. Hoover about her thoughts.
 - Ms. Hoover said she did not know much about sports.

Nancy Biederman

New Boston resident

- Ms. Biederman was contacted by parents in New Boston last year, whose child ran into someone non-conforming in the bathroom.
- Ms. Biederman was told that the kid in question was told to deal with it.
- As a result, the child in question would need to seek out an administrator on his own to use a special bathroom in which he would feel safe.
- Ms. Biederman said the child refused to drink water and refused to use the bathroom.
- It was uncovered that the boy in question was not the only child facing similar troubles when brought to the school board's attention
- Ms. Biederman stated that hands were tied thanks to discrimination protections.
- Ms. Biederman noted that federal law allowed for the separation of restrooms based on sex.

Jennifer Boisvert

Nashua resident

- Ms. Boisvert opposed SB 268.
- Ms. Boisvert has three children.
- One of her children are trans son and is scared.
- The Boisvert's not want these policies implemented in NH
- Her son came out in the fourth grade, had two x chromosomes, did not have secondary sex characteristics and could not develop them with hormone therapy.
- None of the other students had bullied her son.
- This generation of kids was smarter than earlier ones.
- Gender identity was not confusing to modern kids.

Annabelle Boisvert

Nashua resident

- Ms. Boisvert identified that drugs, assault, and threats are more common dangers in school bathrooms.
- Cisgendered men were more threatening than transgender girls.
- Ms. Boisvert maintained that the state cannot say it is protecting people, it is hurting so many.

Gerri Cannon

- Ms. Cannon testified in opposition.
- SB 268 put many transgender people at risk.
- SB 268 flagged all transgender individuals as sexual predators.
- There were not unisex bathrooms in the Statehouse, so there wouldn't be appropriate spaces for those non-conforming, which created unsafe situations.
- It was very challenging growing up trans. Children are subject to bullying and can be pushed to suicide.
- Blocking bathrooms did not fix any problems.

Leo Gutierrez

- Mr. Gutierrez testified in opposition to SB 268.
- SB 268 was horrific and poorly conceived.
- SB 268 was not respectful to privacy.
- Mr. Gutierrez urged the committee to make a decision that was logical and not based on the past.

Rosemary Emrich

Hooksett resident

- Ms. Emrich testified in opposition to the bill.
- Ms. Emrich is the parent of a young non-conforming child.
- Her child is nonbinary and didn't subscribe to a male or female identity.
- Most decisions were painstaking and anxiety inducing.
- Ms. Emrich's child had to subject themselves to harassment and uncomfortable questions.
- In the past, she was required to send her 8-year-old feminine-presenting child into a men's room, alone.
- It was not frightening to share space with a trans person.
- The legislature should not challenge the right to use a public space based on arbitrary perceptions of masculinity and femininity.
- Ms. Emrich read a statement from her child, requesting the bill be found inexpedient to legislate, who further attested that their quality of life had improved since seeking affirmative care and spaces.

Ann Marie Banfield

North Hampton resident

- Ms. Banfield is a parental rights advocate in support of the bill.
- Ms. Banfield told a story of a little boy who was upset that biological women were in his restroom.
- The issue of transgender identity was a bigger impact on boys than the committee realized.
- In Kearsarge, most parents gave up on their daughters according to Ms. Banfield.
- When girls spoke up, they were punished.
- Girls were uncomfortable, called intolerant, and transphobic.
- Women had a voice and should be encouraged to use it.
- Women were not meant to be silenced
- A girl was hurt by a volleyball to the face following a spike from a transgender athlete.
- Ms. Banfield maintained that if the legislature allowed boys into the ladies' restroom, then girls would defer from using the restroom all day.

Sam Hawkins

NAMI NH

- Mr. Hawkins and NAMI NH opposed SB 268.
- NAMI was concerned about the impacts of discrimination upon mental wellness.
- A roll back of protections would expose granite staters to discrimination.
- SB 268 would have a chilling effect on everyone.
- There was data indicating that repeated policy considerations such as SB 268 harmed youth mental health.
- NAMI believed that all granite staters deserved full, healthy lives alongside their neighbors.

Lynn Lippitt

Milford resident

- Ms. Lippitt has trans family members and friends.
- Trans people had existed forever and would continue to exist. They ought to be treated with dignity and respect.
- Trans people had been protected by anti-discrimination laws for years.
- The fear that an individual might cause harm was not a reason to impede the rights and liberty of others.
- Women's bathrooms had private stalls.
- There was no evidence that trans individuals harmed women in bathrooms.
- Enforcement of SB 268 will be difficult.
- Law enforcement officers cannot be posted in bathrooms.
- If anyone can question identity, that can be used to harass non-conforming cisgender women in addition to trans individuals.
- Ms. Lippitt urged the committee to find the bill inexpedient to legislate.

McKayla Fischler

- Ms. Fishler was opposed to SB 268.
- People's discomfort had to do with how they're raised. Kids raised otherwise do not have the supposed fear, confusion, or discomfort described.

Fedelma McKenna

- Ms. McKenna opposed SB 268.
- The world was better when people had the courage to live authentically.
- Ms. McKenna is an Advanced Nurse practitioner in sexual directive health
- SB 268 was dangerous.
- Studies showed that trans affirming care made suicide, substance abuse, and untimely deaths decrease.
- State interference was unnecessary.
- Ms. McKenna urged the committee to protect the health and emotional wellbeing of constituents.

Erica Russell

- Ms. Russell had been a healthcare provider for 30 years.
- An individual's mental health was linked to their ability to live freely.
- The concern about trans individuals in sports was based on fear, not fact.

- Individuals would have to choose a bathroom unaligned with the identity, putting them in danger.
- Ms. Russell urged the committee to consider the destructive nature of imposing what is right regarding these matters. That was discrimination.

Michael Haley

GLAAD

- Trans issues are complicated issues that cannot be met with one size fits all solutions.
- The blanket ban in SB 268 was problematic.
- Mr. Haley suggested that SB 268 violated Title IX.
- Prior to HB 1205 in 2024, the American Athletics Association had a good policy which worked well and did not need government involvement.
- The Governor was correct to veto similar legislation last year.
- SB 268 Invited unnecessary discord.
- Sen. Abbas asked if it were fair for women to lose spots to transgender women on teams.
 - Mr. Haley said that was a legitimate concern which title IX addressed. Sports were about leadership, friends, and learning. The NCAA was different than community teams.
- Sen. Abbas said if the absence of SB 268 resulted in less opportunities for biological women, then it could be considered counterproductive toward title IX.
 - Mr. Haley said those arguments were made by the defendants in the Bostok Supreme Court Case in which the plaintiffs petitions were upheld.
- Sen. Gannon asked if the Parker Tirrell case was in appeals.
 - Mr. Haley stated that a preliminary injunction was issued.

Courtney Reed

Policy Advocate - ACLU NH

- Ms. Reed opposed SB 268.
- SB 268 would make trans people unsafe.
- SB 268 opened the door to acts of cruelty, and the policing of bodies.
- Ms. Reed contemplated if people needed to disclose their transgender status for work, or if security would have to stand outside mall bathrooms, or if cisgender women would be inappropriately targeted given their appearance.
- Ms. Reed believed the lack of an enforcement mechanism indicated the true intent of the bill.
- Inclusive policies had reduced rates of assault
- When the inverse prevailed, rates of assault and harm to transgender and non-binary individuals spiked.
- Ms. Reed reiterated Governor Sununu's veto message from 2024.
- Ms. Reed reiterated the testimony of GLADD.
- Lives would be turned upside-down by SBV 268.

Sarah Smith

Pembroke resident

- SB 268 restricted an entire class of people.
- Ms. Smith reiterated testimony drawing parallels to segregation.
- Ms. Smith recalled how many feared different people back in the 1960s.
- SB 268 and its policies were reflexive and reactionary.

- Laws are meant to restrict behavior, not a class of people.
- Going to the bathroom did not harm anyone else.
- Ms. Smith reiterated the importance of the preexisting non-discrimination statute.
- Ms. Smith suggested that the committee get to know trans individuals.

Beth Scaer

Nashua resident

- Ms. Scaer urged the committee to support the bill.
- SB 268 does not require genital inspections.
- Ms. Scaer did not find it difficult to distinguish between men and women.
- Ms. Scaer shared that a men's 15 and under team beat the US women's soccer team in a 2017 scrimmage.
- Gender identity could only be determined by asking an individual directly.
- Ms. Scaer concluded that it was cruel to encourage the medical industry to subject boys to blockers among other things.

Lindz Jakows

Cofounder - 603 Equality

- Ms. Jakows opposed SB 268 and SB 38-FN.
- SB 268 encouraged discrimination.
- No uptick of safety incidents in restrooms
- SB 268 fueled a long standing anti LGBTQ+ stereotype.
- Ms. Jakows considered SB 268 and SB 38 as employment discrimination bills. Restrooms could not be separated from employment.
- Enforcement would be dubious according to Ms. Jakows.
- Ms. Jakows believed fears surrounding bathrooms were unfounded.

Lisa Beaudoin

N.H Council of Churches

- The Council of Churches in comprised of 300 churches among seven denominations.
- All people were created in the image of God.
- Ms. Beaudoin discouraged the invocation of Christianity to justify discrimination against people.
- Ms. Beaudoin found SB 268 and its supporting testimony a gross misappropriation of scripture, unrepresentative of the gospel of Jesus Christ. Christ commanded humanity to love each other as he loved them.
- Jesus' radical love was never conditional. Christ dined with the unworthy and challenged the religious elite.
- Ms. Beaudoin maintained that to follow Christ is to stand in solidarity with transgender individuals.
- Discrimination in the name of faith was not faith, it was distortion.
- Ms. Beaudoin encouraged the committee to uphold the values of love, inclusion, and dignity

Jennifer Smith, M.D.

Pembroke resident

- Ms. Smith spoke in the previous session on similar legislation.

- Ms. Smith recalled what it was like to grow up when the gender binary was very seriously enforced.
- A lifetime of counseling, productive activity, and support helped Ms. Smith accept her identity well into her adult life.
- Ms. Smith referred to the Gospel of Matthew and found it supportive of acceptance and inclusivity.
- Ms. Smith attested that as a transgender woman, being in male spaces was uncomfortable.

David Trumble

Weare resident

- Mr. Trumble opposed SB 268.
- From a legal perspective, the compelling state interest was being employed to take away civil rights.
- The compelling state interest fell to the state scrutiny test.
- The less restrictive alternative for bathrooms would be non-gender specific bathrooms according to the state scrutiny test.
- Testosterone suppressants for 12 months resulted in no difference from a safety and physical point of view for transgender girls.
- Mr. Trumble maintained that such flat-out bans missed the point of sports.
- Mr. Trumble urged New Hampshire to be welcoming.
- Sen. Gannon asked if the compelling state interest of females took precedent over that of trans individuals.
 - Mr. Trumble said state interests must be weighed.
 - Anytime civil rights were restricted they had to be narrowly tailored.
 - Legislators must weight the compelling interests and ensure that the least restrictive alternative was provided.
- Sen. Abbas asked what the exact safety concern in the bathroom was.
 - Mr. Trumble said dozens of trans people had testified that they would feel unsafe if forced to go to the wrong bathroom due to other's perception or the potential for physical altercation.
- Sen. Abbas asked if the safety concern was harassment or otherwise
 - Mr. Trumble suggested if a trans woman were forced to use the men's bathroom where they felt unsafe, they would not use or attend public spaces.
- Sen. Abbas asked what Mr. Trumble had to say for biological women's fear.
 - Mr. Trumble reiterated that nonspecific bathrooms would answer everyone's concerns and did not cause any issues

Lisa Lee

- Ms. Lee has worked in Manchester for 23 years as a member of the New Hampshire Bar Association.
- Ms. Lee opposed SB 268.
- N.H had a good anti-discrimination act as it stood.
- Ms. Lee believed that SB 268 emboldened discrimination.
- SB 268 encouraged the policing of bodies.
- Ms. Lee stated that she herself is a 6-foot 1 woman and was at 11 years of age.
- Other parents hated her size and tried to get her kicked off teams, even as a cisgendered girl.
- Diversity was inevitable and could be difficult at times.

Sarah Kelly

Nashua resident

- Ms. Kelly opposed SB 268.
- Ms. Kelly swore an oath upon enlisting in the marines 2015.
- SB 268 would amend the laws against discrimination negatively.
- Ms. Kelly emphasized that paragraph one of the Anti-Discrimination statute expressly stated that what the amendment sought to do was unacceptable.
- SB 268 did not help public safety and constituted public discrimination.
- Exceptions did not end with one marginalized group; they started with them.
- Ms. Kelly refereed to the famous “and then there was no one left” poem
- Constitutional rights could not be based on who was currently in power, because then we didn’t have rights.

Heather Burns

Concord resident

- Ms. Burns is an employment attorney.
- Ms. Burns is a former president, and current member of NH Association for Justice
- Ms. Burns stood opposed to SB 268.
- Ms. Burns reiterated the importance of the anti-discrimination statute.
- Ms. Burns read the statement of intent which prohibited discrimination.
- Gender identity cannot be asserted for improper purposes under the law.
- The high rate of suicidality among transgender individuals was emphasized to the committee.
- 41 percent of trans survey respondents reported attempts at suicide.
- Ms. Burns refereed to issues subject to ongoing litigation before the United States Supreme Court which SB 268 may conflict with.
- Sen. Abbas reiterated his question about safety concerns in bathrooms.
 - Ms. Burns reiterated what the previous speakers said about physical or emotional safety concerns.
- Sen. Abbas asked if it was forcing individuals to use a certain bathroom, or what happened in the bathroom was the source of safety concerns.
 - Ms. Burns elaborated that being forced in spaces where you are non-conforming was potentially dangerous.

Shelly Wilkins

- Ms. Wilkins described the differences between phenotypical and normal sex
- Transgender athletes were cleared for Olympic participation back in 2004.
- Testosterone levels had to be on the low levels for cis women for eligibility.
- Ms. Wilkins referred to a Breitbart article which alleged 25 athletes were transgender. In fact, only six were, meaning almost all the athletes were misgendered.
- Trans athletes composed less than half a percent of NCAA athletes.

Lyssa Bayne-Kim

Licensed Social Worker

- Ms. Bayne-Kim opposed SB 268.
- Ms. Bayne-Kim emphasized that trans safety concerns were not valued as well as the cisgender girls

- National Sexual Violence Resources from CDC were provided to the committee.
- None of the risk factors for instigating sexual assault were gender identity.
- A risk factor for sexual predation was disrespect toward women.
- Ms. Bayne-Kim highlighted the importance of safety for transgender individuals.

PM

Date Hearing Report completed: February 27, 2025