



STATE OF HAWAII
DEPARTMENT OF HEALTH
P. O. Box 3378
Honolulu, HI 96801-3378
doh.testimony@doh.hawaii.gov

**Testimony in SUPPORT of HB664 HD1
RELATING TO GENDER IDENTITY**

REPRESENTATIVE CHRIS LEE, CHAIR
HOUSE COMMITTEE ON JUDICIARY

REPRESENTATIVE ROY M. TAKUMI
HOUSE COMMITTEE ON CONSUMER PROTECTION AND COMMERCE

Hearing Date: February 21, 2019, 2:00 PM Room Number: 325

1 **Fiscal Implications:** None.

2 **Department Testimony:** The Department of Health supports this bill and its efforts to clarify
3 the language in the bill passed last session banning “conversion therapy” or “sexual orientation
4 change efforts” with minors. This bill is a housekeeping measure designed only to change the
5 language of the bill to make it clear that the ban on these procedures applies equally to efforts to
6 change the sexual orientation of lesbian, gay or bisexual minors and to efforts to change the
7 gender identity of transgender minors. Conversion therapy can be abusive and cause
8 psychological distress in regard both to changing sexual orientation and gender identity.

9 This bill is a product of a task force led by the Department of Health (DOH), Child and
10 Adolescent Mental Health Division (CAMHD) as mandated by Act 13, SLH 2018. The task
11 force was comprised of legislators, representatives of health insurers, state agencies, and
12 advocates, and community members. A list of task force attendees and a summary of task force
13 findings may be found in the task force's legislative report:

14 https://www.capitol.hawaii.gov/session2019/bills/DC240_.pdf.

15 The original draft of this bill caused some disagreements among advocates for LGBTQ youth
16 about the language used. Representative Mizuno, chair of the House Health Committee,
17 requested CAMHD work with several individuals who submitted testimony on the House version

1 of the bill in order to create a consensus version. This has been accomplished, and we are
2 submitting the consensus document as a possible amended version.

3 **Offered Amendments:** Attachment A below offers an amended version of this bill.

4 Thank you for the opportunity to testify on this bill.

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___ .B. NO. ___

A BILL FOR AN ACT

RELATING TO GENDER IDENTITY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 453J, Hawaii Revised Statutes, is
2 amended by amending its title to read as follows:

3 "~~Chapter 453J~~"

4 "~~SEXUAL ORIENTATION CHANGE EFFORTS~~ CONVERSION THERAPY
5 PROHIBITED FOR SEXUAL ORIENTATION AND GENDER IDENTITY."

6 SECTION 2. Section 453J-1, Hawaii Revised Statutes, is
7 amended to read as follows:

8 "~~§453J-1~~ ~~[Sexual orientation change efforts]~~ Conversion
9 therapy prohibited; advertising prohibited. (a) No person who
10 is licensed to provide professional counseling shall:

11 (1) Engage in or attempt to engage in [~~sexual orientation~~
12 ~~change efforts~~] conversion therapy on a person under
13 eighteen years of age; or

1 (2) Advertise the offering of [~~sexual orientation change~~
2 ~~efforts~~] such conversion therapy on a person under
3 eighteen years of age.

4 (b) Any person who is licensed to provide professional
5 counseling who engages in or attempts to engage in the offering
6 of [~~sexual orientation change efforts~~] conversion therapy on a
7 person under eighteen years of age shall be subject to
8 disciplinary action by the appropriate professional licensing
9 authority.

10 (c) For purposes of this section:

11 "Advertise" means a communication made by or on behalf of a
12 person who is licensed to provide professional counseling, made
13 for the purpose of inducing or promoting a professional
14 counseling relationship in which [~~sexual orientation change~~
15 ~~efforts~~] conversion therapy will be undertaken on a person under
16 the age of eighteen. "Advertise" includes oral, written,
17 graphic, or pictorial statements or representations, including
18 those made through any electronic or print medium.

19 "Conversion therapy" means any practices or treatments that
20 seek to change an individual's sexual orientation or gender
21 identity, including efforts to change behaviors or gender
22 expressions or to eliminate or reduce sexual or romantic
23 attractions or feelings toward individuals of the same gender.

1 "Conversion therapy" shall not include counseling that
2 provides assistance to a person undergoing gender transition, or
3 counseling that provides acceptance, support, and understanding
4 of a person or facilitates a person's coping, social support,
5 and identity exploration and development, including sexual-
6 orientation-neutral interventions to prevent or address unlawful
7 conduct or unsafe sexual practices, as long as such counseling
8 does not seek to change an individual's sexual orientation or
9 gender identity.

10 "Person who is licensed to provide professional counseling"
11 means a person who performs counseling as part of the person's
12 professional training, including a physician, especially one
13 practicing psychiatry, licensed pursuant to chapter 453;
14 psychologist licensed pursuant to chapter 465; nurse licensed
15 pursuant to chapter 457; social worker licensed pursuant to
16 chapter 467E; licensed mental health counselor licensed pursuant
17 to chapter 453D; or licensed marriage and family therapist
18 licensed pursuant to chapter 451J.

19 ~~["Sexual orientation change efforts" means the practice of~~
20 ~~attempting to change a person's sexual orientation, including~~
21 ~~but not limited to efforts to change gender identity or gender~~
22 ~~expressions and behaviors; or to reduce or eliminate sexual or~~
23 ~~romantic attractions or feelings toward a person of the same~~
24 ~~gender.~~

1 ~~"Sexual orientation change efforts" shall not include~~
2 ~~counseling supporting a person seeking to transition from one~~
3 ~~gender to another or counseling that:~~

4 ~~(1) Provides acceptance, support, and understanding of a~~
5 ~~person or facilitates a person's coping, social~~
6 ~~support, and identity exploration and development,~~
7 ~~including sexual orientation-neutral interventions to~~
8 ~~prevent or address unlawful conduct or unsafe sexual~~
9 ~~practices; and~~

10 ~~(2) Does not seek to change sexual orientation, gender~~
11 ~~identity, or gender expression.]"~~

12 SECTION 3. Statutory material to be repealed is bracketed
13 and stricken. New statutory material is underscored.

14 SECTION 4. This Act shall take effect upon approval.

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16 INTRODUCED BY: _____

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Report Title:

~~[Gender Identity Change Efforts]~~Conversion therapy prohibited for sexual orientation and gender identity; Chapter 453J, Hawaii Revised Statutes

Description:

Prohibits ~~[both sexual orientation and gender identity change Efforts]~~ conversion therapy under Chapter 453J, Hawaii Revised Statutes. (HB664 HD1)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.



HAWAI‘I CIVIL RIGHTS COMMISSION

830 PUNCHBOWL STREET, ROOM 411 HONOLULU, HI 96813 · PHONE: 586-8636 FAX: 586-8655 TDD: 568-8692

February 21, 2019
Rm. 325, 2:00 p.m.

To: The Honorable Chris Lee, Chair
Members of the House Committee on Judiciary

The Honorable Roy Takumi, Chair
Members of the House Committee on Consumer Protection & Commerce

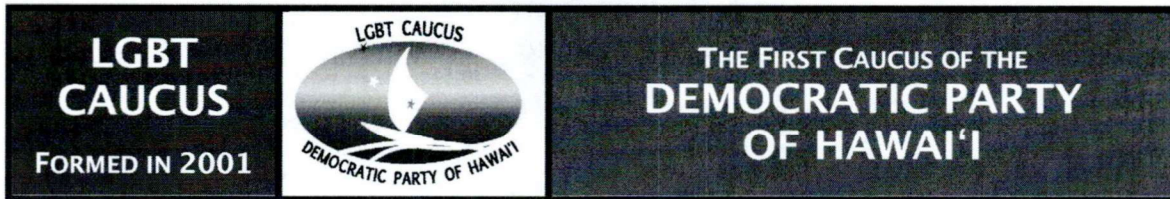
From: Linda Hamilton Krieger, Chair
and Commissioners of the Hawai‘i Civil Rights Commission

Re: H.B. No. 664, H.D. 1

The Hawai‘i Civil Rights Commission (HCRC) has enforcement jurisdiction over Hawai‘i’s laws prohibiting discrimination in employment, housing, public accommodations, and access to state and state funded services (on the basis of disability). The HCRC carries out the Hawai‘i constitutional mandate that no person shall be discriminated against in the exercise of their civil rights. Art. I, Sec. 5.

H.B. No. 664, H.D. 1, adds gender identity change efforts to the current prohibitions against licensed professional counselors and teachers from engaging in or advertising sexual orientation change efforts on students and persons under eighteen years of age. The bill amends Act 13, signed by the Governor in 2018, which bans conversion therapy for minors regarding sexual orientation, and broadens its applicability.

The HCRC supports H.B. No. 664, H.D. 1. The current statute protects lesbian, gay and bisexual youth from the serious harm caused by sexual orientation change efforts. This bill adds transgender youth to those current protections. The HCRC supports the civil rights of all people, including the most vulnerable.



February 19, 2019

House's Committee on Judiciary and Consumer Protection & Commerce
Hawaii State Capitol
415 South Beretania Street, Room 325
Honolulu, HI 96813

Hearing: Friday, February 23, 2019 – 2:00 p.m.

RE: SUPPORT with Amendments for House Bill 664 – RELATING TO GENDER IDENTITY

Aloha Chair Lee, Chair Takumi and fellow committee members,

I am writing in SUPPORT of the INTENT of House Bill 664 on behalf of the LGBT Caucus of the Democratic Party of Hawaii'i and requesting a few amendments. HB 664 would prohibit both sexual orientation and gender identity change efforts under Chapter 453J, Hawaii Revised Statutes.

The suggested amendments were created in concert with the members of the Task Force and the LGBT Caucus of the Democratic Party of Hawaii'i as we were the lead advocate for the past 8 years to get Act 13, SLH 2018 which created Chapter 453J.

The language in Act 13, SLH 2018 and in HB 664 is outdated, we are referring to "sexual orientation change efforts" and "gender identity change efforts" respectively.

We are asking for these amendments to remove any confusion by the general public and those that are required to enforce the Hawaii'i Revised Statutes. When HB 664 was first posted the LGBT Caucus received multiple inquiries from members of the transgender and non-gender binary community all basically asking the same thing "Why is the legislature trying to stop me from seeking mental health help?". We assured them that was not the intent of HB 664 and explained what the bill was seeking to do, but for the general public we could see how they came to that conclusion.

The LGBT Caucus believes that with the suggested amendments it will not only remove any confusion, for everyone involved, but also simplify the statute. It will also bring Hawaii'i in-line with similar bans in others states, as well as our counterparts on the continent as they strive to ban this barbaric practice.

Mahalo for the opportunity to testify and the LGBT Caucus of the Democratic Party of Hawaii'i humbly asks that you support HB 664 with the suggested amendments.

Mahalo nui loa,

Michael Golojuch, Jr.
Chair

____.B. NO.____

A BILL FOR AN ACT

RELATING TO GENDER IDENTITY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 453J, Hawaii Revised Statutes, is
2 amended by amending its title to read as follows:

3 " ~~[Chapter 453J]~~
4 ~~[SEXUAL ORIENTATION CHANGE EFFORTS]~~ CONVERSION THERAPY
5 PROHIBITED FOR SEXUAL ORIENTATION AND GENDER IDENTITY."

6 SECTION 2. Section 453J-1, Hawaii Revised Statutes, is
7 amended to read as follows:

8 "~~§453J-1 [Sexual orientation change]~~Conversion therapy
9 **efforts prohibited; advertising prohibited.** (a) No person who
10 is licensed to provide professional counseling shall:

11 (1) Engage in or attempt to engage in ~~[sexual orientation~~
12 ~~change efforts]~~ conversion therapy on a person under
13 eighteen years of age; or

14 (2) Advertise the offering of ~~[sexual orientation change~~
15 ~~efforts]~~ such conversion therapy on a person under
16 eighteen years of age.

17 (b) Any person who is licensed to provide professional
18 counseling who engages in or attempts to engage in the offering

____.B. NO.____

1 of [~~sexual orientation change efforts~~] conversion therapy on a
2 person under eighteen years of age shall be subject to
3 disciplinary action by the appropriate professional licensing
4 authority.

5 (c) For purposes of this section:

6 "Advertise" means a communication made by or on behalf of a
7 person who is licensed to provide professional counseling, made
8 for the purpose of inducing or promoting a professional
9 counseling relationship in which [~~sexual orientation change~~
10 efforts] conversion therapy will be undertaken on a person under
11 the age of eighteen. "Advertise" includes oral, written,
12 graphic, or pictorial statements or representations, including
13 those made through any electronic or print medium.

14 "Conversion therapy" means any practices or treatments that
15 seek to change an individual's sexual orientation or gender
16 identity, including efforts to change behaviors or gender
17 expressions or to eliminate or reduce sexual or romantic
18 attractions or feelings toward individuals of the same gender.

19 "Conversion therapy" shall not include counseling that
20 provides assistance to a person undergoing gender transition, or
21 counseling that provides acceptance, support, and understanding
22 of a person or facilitates a person's coping, social support,

.B. NO.

1 and identity exploration and development, including sexual-
2 orientation-neutral interventions to prevent or address unlawful
3 conduct or unsafe sexual practices, as long as such counseling
4 does not seek to change an individuals sexual orientation or
5 gender identity.

6 "Person who is licensed to provide professional counseling"
7 means a person who performs counseling as part of the person's
8 professional training, including a physician, especially one
9 practicing psychiatry, licensed pursuant to chapter 453;
10 psychologist licensed pursuant to chapter 465; nurse licensed
11 pursuant to chapter 457; social worker licensed pursuant to
12 chapter 467E; licensed mental health counselor licensed pursuant
13 to chapter 453D; or licensed marriage and family therapist
14 licensed pursuant to chapter 451J.

15 [~~"Sexual orientation change efforts" means the practice of~~
16 ~~attempting to change a person's sexual orientation, including~~
17 ~~but not limited to efforts to change gender identity or gender~~
18 ~~expressions and behaviors; or to reduce or eliminate sexual or~~
19 ~~romantic attractions or feelings toward a person of the same~~
20 ~~gender.~~

.B. NO.

1 ~~"Sexual orientation change efforts" shall not include~~
2 ~~counseling supporting a person seeking to transition from one~~
3 ~~gender to another or counseling that:~~

4 ~~(1) Provides acceptance, support, and understanding of a~~
5 ~~person or facilitates a person's coping, social~~
6 ~~support, and identity exploration and development,~~
7 ~~including sexual orientation-neutral interventions to~~
8 ~~prevent or address unlawful conduct or unsafe sexual~~
9 ~~practices; and~~

10 ~~(2) Does not seek to change sexual orientation, gender~~
11 ~~identity, or gender expression.]"~~

12 SECTION 3. Statutory material to be repealed is bracketed
13 and stricken. New statutory material is underscored.

14 SECTION 4. This Act shall take effect upon approval.

15

16 INTRODUCED BY: _____

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____.B. NO.____

Report Title:

Gender Identity Change Efforts; Chapter 453J, Hawaii Revised Statutes

Description:

Prohibits [~~both sexual orientation and gender identity change Efforts~~] conversion therapy under Chapter 453J, Hawaii Revised Statutes. (HB664

HD1)

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.



92-954 Makakilo Dr. #71, Kapolei, HI 96707 Email: RainbowFamily808@gmail.com Ph: (808) 779-9078 Fax: (808) 672-6347

February 19, 2019

**The Honorable Chris Lee, Chair with Joy San Buenaventura, Vice-Chair
and Members of the House Judiciary Committee
The Honorable Roy Takumi, Chair with Linda Ichiyama, Vice-Chair
and Members of the House Consumer Protection and Commerce**

RE: HB 664 HD1 Gender Identity Change Efforts STRONG SUPPORT

Aloha Honorable Chair, Vice Chair and Members,

Thank you for hearing HB 644 HD1. Rainbow Family 808 strongly supports HB 664 HD1 to assist the Identity Issues of our children. As families, we want our children not to suffer from the roadblocks of the past in order to live a full, confident life. We appreciate the LGBT Caucus input to clarify the details of this important bill. It's important that those effected by any measure be heard to bring reality to Hawai'i State.

As a Social Worker, our discipline requires that we listen to our clients and assist them with our support for social advancement for improved mental health.

Rainbow Family 808 supports HB 664 HD1 and ask that you follow the LGBT Caucus' recommendations and amend the bill to clarify the language and simplify the bill for the benefit of our children.

Mahalo for your support''

Sincerely,

**Carolyn Martinez Golojuch
President and Co-Founder
Rainbow Family 808**

Helping Hawai'i Live Well

To: Representative Chris Lee, Chair, Representative Joy San Buenaventura, Vice Chair, Members, House Committee on Judiciary

To: Representative Roy Takumi, Chair, Representative Linda Ichiyama, Vice Chair, Members, Committee on Consumer Protection and Commerce

From: Trisha Kajimura, Executive Director

Re: TESTIMONY IN SUPPORT OF HB 664 HD1 RELATING TO GENDER IDENTITY

Hearing: February 21, 2019, 2:00 pm, CR 325

Thank you for hearing HB 664 HD1, which amends Chapter 453J, Hawaii Revised Statutes, to add "And Gender Identity Change Efforts" to its title and in several places to clarify that sexual orientation change efforts AND gender identity change efforts are BOTH prohibited as was originally intended by Act 13. This distinction is important because the law needs to clearly protect transgender and other gender minority youth. Mental Health America of Hawaii supports this bill. *We support the amended language being submitted by the Department of Health, Child and Adolescent Mental Health Division.*

This bill provides the necessary changes using language in the current law 1) to equally highlight the two types of change efforts that are prohibited in this law in the title and the text as intended by Act 13. 2) clarifies that there are two kinds of change efforts addressed by this law by setting forth the two types of change efforts separately and consistently throughout the law instead of leaving "efforts to change gender identity" buried within the definition of "sexual orientation change efforts."

Mental Health America of Hawaii (MHAH) is a 501(c)3 organization founded in Hawaii 77 years ago, that serves the community by promoting mental health through advocacy, education and service. MHAH actively works on the issue of youth suicide and bullying prevention with a special focus on LGBTQ+ youth and organizes a coalition of LGBTQ+ youth advocates, called the Rainbow Youth Coalition. LGBTQ+ youth are put in harm's way when they face a lack of acceptance in their families, schools and communities.

Thank you for the opportunity to submit this testimony **in support of HB 664 HD1**. You can reach me at trisha.kajimura@mentalhealthhawaii.org or (808)521-1846 if you have any questions.



To: Hawaii State House of Representatives Committees on Judiciary and Consumer Protection and Commerce
Hearing Date/Time: Thurs., Feb. 21, 2019, 2:00 p.m.
Place: Hawaii State Capitol, Rm. 325
Re: Testimony in strong support of H.B. 664, HD1, relating to Gender Identity

Dear Chairs Lee and Takumi and Members of the Committees,

Planned Parenthood Votes Northwest and Hawaii (“PPVNH”) writes in strong support of H.B. 664, HD1, which seeks to prohibit persons licensed to provide professional counseling from engaging in, attempting to engage in, or advertising sexual orientation and gender orientation change efforts (commonly known as “conversion therapy”) to persons under 18 years of age.

LGBTQ rights and reproductive rights are deeply connected to justice for all. We have long stood with lesbian, gay, bisexual, and transgender people in the struggle for full equality — many of whom turn to Planned Parenthood for health care, information, and education. We are committed to building a world where no one experiences discrimination or violence because of their gender identity, gender expression, or sexual orientation.

We support H.B. 664 because it seeks to protect LGBT youth from “conversion therapy,” which has been found to be dangerous, inhumane and long discredited by respected medical and mental health institutions, including the American Psychological Association. It has subsequently been outlawed for licensed mental health providers in nine states and the District of Columbia. We can do better for Hawaii’s youth.

Thank you for this opportunity to testify in support of this important measure.

Sincerely,

Laurie Field
Hawaii Legislative Director

HB-664-HD-1

Submitted on: 2/20/2019 10:15:11 AM

Testimony for JUD on 2/21/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Dylan P. Armstrong	Oahu County Democrats	Support	No

Comments:

HB-664-HD-1

Submitted on: 2/20/2019 1:54:47 PM

Testimony for JUD on 2/21/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Melodie Aduja	O`ahu County Committee on Legislative Priorities of the Democratic Party of Hawai`i	Support	No

Comments:

HB-664-HD-1

Submitted on: 2/19/2019 4:26:12 PM

Testimony for JUD on 2/21/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Mike Golojuch	Individual	Support	No

Comments:

I strongly support HB 664 and ask that you follow the Task Force and the LGBT Caucus' combined recommendation and amend the bill to clarify the language and simplify the bill. Thank you.

Mike Golojuch, Sr.

To: House Committees on Judiciary and Consumer Protection and Commerce
Hearing on Thursday, February 21, 2019
Rep. Chris Lee, Chair, Committee on Judiciary
Rep. Roy Takumi, Chair, Committee on Consumer Protection and Commerce
Rep. Joy A. Buenaventura, Vice Chair, Committee on Judiciary
Rep. Linda Ichiyama, Vice-Chair, Committee on Consumer Protection and Commerce
Members of the Committee on Judiciary and the Committee on Consumer Protection and
Commerce

Re: H.B. 664, HD1 Relating to Gender Identity

Testimony of Josephine L. Chang in Support of HB 664, HD1

Thank you, Chair Lee, Chair Takumi, Vice-Chair Buenaventura, Vice-Chair Ichiyama, and members of the Committee on Judiciary and members of the Committee on Consumer Protection and Commerce for this opportunity to submit testimony on HB 664, HD1.

My name is Josephine (Jo) Chang. I have long provided on a pro bono basis, support to parents, youth, and the community on sexual and gender minority matters, and training and consultation to many government and private agencies on understanding and serving lesbian, gay, bisexual, transgender, queer + (LGBTQ+) youth and their families. I have served as coordinator and a consultant to the Family Court's Committee on LGBT Youth in Hawaii's Juvenile Justice System since 2013, and recently as a member on the Sexual Orientation Task Force, nominated by the Speaker of the House. This task force was established by Act 013 that created Ch. 453J, HRS, the law that we are amending by HB 664, HD1. This task force was tasked with recommending proposed legislation among other things. HB 664, HD1 (along with SB 674, its companion bill) were among the three legislative matters recommended to the Legislature by this task force, and the only "housekeeping" measure.

First, I would like to note that the description of this bill is not correct, as it implies that this bill would prohibit both sexual orientation and gender identity change efforts under Chapter 453J, Hawaii Revised Statutes. However, Chapter 453J, HRS, *already* prohibits sexual orientation and gender identity change efforts. Instead, this bill is a "housekeeping" measure of wording changes needed to clarify and correct the erroneous wording in 453J, HRS, that obscures gender identity change efforts prohibited under 453J, HRS. HB 664 HD1 is intended to make clear that gender identity change efforts are also prohibited under this law, particularly to those who are regulated by this law and to those that are protected by this law.

While this bill is a fairly simple housekeeping measure, that would correct the wording that currently effects the inclusion of gender identity change efforts under Ch. 453J, HRS, these wording amendments proposed in HB 664 HD1 make a very important distinction and correction that matter very much to parents and families of transgender children, to the transgender youth themselves, as well as the transgender and queer community. It matters very much to them to have the Legislature clearly

recognize the need of transgender youth for protection of their gender identities under this law, and that the Legislature clearly knows that efforts to change gender identities are not the same as efforts to change a person's sexual orientation.

While gender identity change efforts are already prohibited under Ch. 453J, HRS, as seen in the purpose of bill that established Ch. 453J, HRS, to protect transgender youth as well as lesbian, gay, and bisexual youth, and in the inclusion of "efforts to change gender identity" in the definition of "sexual orientation change efforts" and in the final provision of this law, the problem is that addressing efforts to change gender identity in this way, obscures and minimizes and does not correctly communicate that efforts to change gender identity is a different kind of "change efforts" from "sexual orientation change efforts." It is erroneous and confusing to present "efforts to change gender identity" as a part of "sexual orientation change efforts" because gender identity is not a part of a person's sexual orientation. (Note that the terms "sexual orientation" and "gender identity" are defined as different aspects of persons, by health, medical, mental health, social work and other authorities.)

In summary, the absence of equal visibility of "gender identity change efforts" in the title of Ch. 453J, HRS, and the erroneous conflation within the definition of "sexual orientation change efforts", 1) does not provide the clear notice needed to the public that this law also protects transgender youth from efforts to change their gender identities, 2) confuses the needs of lesbian, gay, and bisexual youth for protection of their sexual orientations with the needs of transgender youth for protection of their gender identities, 3) unfairly minimizes and treats the needs of transgender youth disrespectfully, and 4) thereby makes ineffective the protections to gender identities under this law.

Therefore, HB 664 HD1 would make wording changes to Ch. 453J, HRS, to correct these problems utilizing the framework and provisions already in Ch. 453J, HRS, by extracting the current wording of "efforts to change gender identity" from the definition of "sexual orientation change efforts" and aligning it alongside of "sexual orientation change efforts" for all relevant provisions, and equally highlighting in the title the two types of change efforts protected under this law.

These technical corrections are important to make for the sake of all parents, families, and transgender youth, so that their needs for protection of their gender identities are correctly presented and addressed, and clearly protected by this law.

I appreciate your attention to this matter and respectfully request your support for HB 664 HD1.

Additionally, we anticipate that Chair of the task force, Dr. Leslie Slavin, will submit alternative wording amendments to Ch. 453J, HRS, and for HB 664 HD1, also for the same purpose to correct wording for the above stated purposes. I would support Dr. Slavin's alternative amendments to Ch. 453J, HRS, and to amend HB 664 HD1, and request that the effective date be restored to "July 1, 2019".

Aloha and Mahalo,

Josephine (Jo) Chang, JD

Ph. 808 383-2111

HB-664-HD-1

Submitted on: 2/19/2019 3:04:46 PM

Testimony for JUD on 2/21/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Kamuela Werner	Individual	Support	No

Comments:

Aloha:

I strongly support **HB 664** and ask that you follow the Task Force and the LGBT Caucus' combined recommendation and amend the bill to clarify the language and simplify the bill.

Mahalo for your support.

Me ke aloha,

Kamuela Werner

Maili Resident

COMMITTEE ON JUDICIARY
Rep. Chris Lee, Chair
Rep. Joy A. San Buenaventura, Vice Chair

COMMITTEE ON CONSUMER PROTECTION & COMMERCE
Rep. Roy M. Takumi, Chair
Rep. Linda Ichiyama, Vice Chair

Hearing: Thursday, February 21, 2019

2:00 pm in Conference Rm 32

I am writing to testify **in strong support** of HB 664. I am the Policy Coordinator for GLSEN-Hawaii, an educator, an advocate for youth, and a member and advocate of many minority and marginalized communities, including the LGBTQ+ community. I believe in this bill because I believe it offers a path to true inclusion, but also because I believe that adding a third gender marker option can go a long way in educating the public on, and in continuing to expand equality for the LGBTQ+ community.

This is a housekeeping bill that clarifies that the conversion therapy law, Ch. 453J, HRS, titled “Sexual Orientation Change Efforts”, also protects transgender youth from efforts to change their gender identity. The basic problem is that protection for transgender youth and their gender identities is obscured by its omission in the title, and obscured and confused with sexual orientation change efforts by placing the words “efforts to change gender identity” within the definition of “sexual orientation change efforts.

Including “efforts to change gender identity” within the definition of “sexual orientation change efforts” is an error possibly due to unfamiliarity with the difference between *sexual orientation* and *gender identity* and the terminology associated with either. However, as seen in the definitions for these terms in health, medical, mental health, and social work authorities and others, **sexual orientation and gender identity are properly addressed as two different aspects of a person rather than conflating and subordinating gender identity within sexual orientation as currently in Ch. 453J, HRS.**

For practical purposes, the absence of equal visibility of “gender identity change efforts” as seen in the title and conflation within the definition of “sexual orientation change efforts” 1) does not provide notice and/or clarity to the public that this law also protects youth from efforts to change their gender identities, 2) confuses the needs of lesbian, gay, and bisexual youth for protection of their sexual orientations with the needs of transgender and gender non-conforming youth for protection of their gender identities and expression, 3) unfairly minimalizes and treats transgender and gender non-conforming youth needs disrespectfully, and 4) does not effectively include protection from “efforts to change gender identity” in this law.

Therefore this bill provides the necessary language changes basically using language in the current law 1) to equally highlight the two types of change efforts that are prohibited in this law in the title and the text as intended by Act 013/Ch. , 2) clarifies that there are two kinds of

change efforts addressed by this law by setting forth the two types of change efforts separately and consistently throughout the law instead of leaving “efforts to change gender identity” buried within the definition of “sexual orientation change efforts”. *Note* that the corrective wording does not add a new definition of “gender identity” into the HRS but rather describes the type of *change efforts*, by simply extracting the words “efforts to change gender identity” from the definition of “sexual orientation change efforts” to stand alone and alongside of “sexual orientation change efforts” and reworded to “gender identity change efforts” for consistency with “sexual orientation change efforts.”

Additionally, we anticipate that Chair of the task force, Dr. Lesley Slavin, will submit alternative wording amendments to Ch. 453J, HRS, also for the same purpose to correct wording for the above stated purposes. I would support Dr. Slavin’s alternative amendments to Ch. 453J, HRS, and request that the effective date be restored to “July 1, 2019”.

I’m **in strong support** of HB 664, and I hope you will stand with me, the community, and all impacted. Please stand in **strong support** of HB 664 also.

Mahalo for your time.

Causha A. Spellman
Pronouns: They, Them, Their
Policy Coordinator – GLSEN-HI
(925)565-4611
caushasp@hawaii.edu

HB-664-HD-1

Submitted on: 2/19/2019 9:45:41 PM

Testimony for JUD on 2/21/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Dara Carlin, M.A.	Individual	Support	No

Comments:

HB-664-HD-1

Submitted on: 2/19/2019 10:33:44 PM

Testimony for JUD on 2/21/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Suzanne Young	Individual	Support	No

Comments:

I support **HB 664** and ask that you follow the Task Force and the LGBT Caucus' combined recommendation and amend the bill to clarify the language and simplify the bill.

Mahalo for your support!

Suzanne Young

HB-664-HD-1

Submitted on: 2/20/2019 11:02:22 AM

Testimony for JUD on 2/21/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
Larry Smith	Individual	Support	No

Comments:

HB-664-HD-1

Submitted on: 2/19/2019 10:47:35 PM

Testimony for JUD on 2/21/2019 2:00:00 PM

Submitted By	Organization	Testifier Position	Present at Hearing
James Gauer	Individual	Oppose	No

Comments:

Date: February 20, 2019

LATE

To: The Hon. Roy M. Takumi, Chair
Committee on Consumer Protection & Commerce
The Hon. Chris Lee, Chair
Committee on Judiciary
Hawaii State Legislature
415 S. Beretania Street
Honolulu, HI 96813

From: Sandra Young, Esq.
P.O. Box 2897
Aiea, HI 96701
Telephone: (808) 487-8464

Re: Strong Opposition to HB 664, HD1

Dear Chairs Takumi and Lee, and Members of the House Committees on Health and Consumer Protection & Commerce:

I testify in strong opposition to HB 664, HD 1. I was saddened to learn that this bill passed the House Health Committee.

When a child has unwanted gender identity desires (and unwanted same sex attractions), said child will be denied counseling to change in this state under this bill. When these types of unwanted desires occur as a result of abuse, sexual or otherwise, it further exacerbates the child's personal struggles and pain. It is disturbing that the therapist is prohibited from working with the child who finds these types of desires/thoughts to be unwelcome. For some children, this bill, if it becomes law, has the potential of condemning people to decades of confusion, pain and even the ultimate end we all want to avoid. They are told they cannot change, and they are born that way.

There are experts on both sides of this debate. Some experts who oppose these types of basn view it as child abuse. More details are discussed below. It is troubling that the Hawaii Legislature has not simply outlawed electric shock therapy and other types offensive techniques that should not be used on children, but outlawing non-coercive talk therapy for those children with unwanted gender identity desires (and same sex desires) should not occur.

It is important to note the following conclusion by the American College of Pediatricians in November 2018: ***Barring pre-pubertal affirmation and hormone intervention for GD, 80 percent to 95 percent of children with GD will accept the reality of their biological sex by late adolescence.*** In light of that, there should be no ban on non-coercive talk therapy. It is merely informing/advising minors that their unwanted transgender or same sex feelings are likely to be temporary, and helping them cope with such thoughts.

Some courts have upheld conversion therapy bans on minors; however, earlier this month a magistrate in Tampa, Florida found portions of the ban prohibiting conversion therapy for minors with same sex attractions as violative of the therapist's First Amendment rights of free speech but non-coercive talk therapy was allowed.

I have not heard of folks with gender dysphoria or same sex attractions being subject to electric shock treatment and other types of harsh treatment in Hawaii.

Nearly all of us have experienced rejection of some sort during our childhood. Most of us learn to handle it, and do not commit suicide. Unfortunately, the same cannot be said for the transgender community. They are in desperate need of counseling. Forty percent of transgender Americans have attempted suicide (National Center for Transgender Equality). Is there a decrease in suicides in states that have passed conversion therapy bans?

As mentioned above, the issue of conversion therapy ban on minors with same sex attractions and gender identity issues is mixed among mental health experts with some favoring the ban and others opposing it.

Dr. Jane Orient of the Association American Physicians and Surgeons said these bans take away patients' "right to choose their therapeutic goals" (part of a physician's Hippocratic Oath).

Also, I respectfully request that you consider compelling medical testimony and evidence in support of talk therapy for those children with unwanted gender identity thoughts and same sex attractions.

1. Talk therapy works for those desiring to change.

As stated above, according to Dr. Michelle Cretella, studies strongly demonstrate that **"80-95% of adolescents outgrow gender dysphoria.¹ Access to therapy to help these children resolve gender dysphoria should not be stigmatized or, worse yet, banned—these children need access to basic talk therapy."**

2. Children have a right to treatment for unwanted gender dysphoria/same sex attraction, particularly those who have been abused. Sometimes children who have been the victims of sexual abuse struggle with sexual orientation or gender dysphoria issues. If a therapist is treating a minor for sexual abuse, and months later, the patient begins talking about unwanted same sex attractions or gender dysphoria, the bill appears to deny talk therapy to the child, despite the child's pain, depression, anxiety, self-loathing thoughts and actions (such as cutting, suicide ideation, excessive rage, and so on), even when there is a causal connection between the abuse and same sex desires and/or gender dysphoria.

3. Appoint an Unbiased, Balanced Commission with Representatives from Both Sides of the Debate. I think that if a Commission is appointed replete with folks/politicians who have a

¹ See, e.g. Michelle A. Cretella, *Gender Dysphoria in Children and Suppression of Debate*, <http://www.jpands.org/vol21n02/cretella.pdf>.

pre-existing bias in favor of the therapy ban, and there are insufficient physicians and psychologists, the report lacks credibility. Moreover, there are ethical concerns. Legislators who are on the Commission and who will be voting on the bill appear to have a conflict of interest. It also gives the appearance of impropriety for elected officials to have that type of undue influence on the Commission. Please appoint an unbiased balance of professionals (counselors, physicians and attorneys) from both sides of the debate. Has the Legislature reviewed sufficient scientific evidence that suicides in the LGBT community have decreased as a result of state legislatures passing bans on conversion therapy?

For more information see some of the rebuttals below against the conversion therapy ban by prominent physician, Dr. Michelle A. Cretella.

- 4. Strong Rebuttals to Advocates of Conversion Therapy Ban By A Prominent Physician.** Michelle Cretella, M.D., is president of the American College of Pediatricians, a national organization of pediatricians and other health care professionals dedicated to the health and well-being of children. She wrote an article published on Jul 3, 2017 that rebuts some of the troubling assumptions made by medical professionals as there is insufficient evidence for their positions: See link: <http://dailysignal.com/2017/07/03/im-pediatrician-transgender-ideology-infiltrated-field-produced-large-scale-child-abuse/>.

“Even the American Psychological Association’s Handbook of Sexuality and Psychology admits that prior to the widespread promotion of transition affirmation, 75 to 95 percent of pre-pubertal children who were distressed by their biological sex eventually outgrew that distress. The vast majority came to accept their biological sex by late adolescence after passing naturally through puberty.”

Dr. Cretella further states: ***“There is no proof that affirmation prevents suicide in children.***

Advocates of the transition-affirming protocol allege that suicide is the direct and inevitable consequence of withholding social affirmation and biological alterations from a gender-dysphoric child. In other words, those who do not endorse the transition-affirming protocol are essentially condemning gender-dysphoric children to suicide.

Yet as noted earlier, prior to the widespread promotion of transition affirmation, 75 to 95 percent of gender-dysphoric youth ended up happy with their biological sex after simply passing through puberty.

In addition, contrary to the claim of activists, there is no evidence that harassment and discrimination, let alone lack of affirmation, are the primary cause of suicide among any minority group. In fact, at least [one study from 2008](#) found perceived discrimination by LGBT-identified individuals not to be causative.

Over 90 percent of people who commit suicide have a diagnosed mental disorder, and there is no evidence that gender-dysphoric children who commit suicide are any different. Many

gender dysphoric children simply need therapy to get to the root of their depression, which very well may be the same problem triggering the gender dysphoria”.

“Bottom Line: Transition-Affirming Protocol Is Child Abuse

The crux of the matter is that while the transition-affirming movement purports to help children, it is inflicting a grave injustice on them and their nondysphoric peers.

These professionals are using the myth that people are born transgender to justify engaging in massive, uncontrolled, and unconsented experimentation on children who have a psychological condition that would otherwise resolve after puberty in the vast majority of cases.

Today’s institutions that promote transition affirmation are pushing children to impersonate the opposite sex, sending many of them down the path of puberty blockers, sterilization, the removal of healthy body parts, and untold psychological damage.

*These harms constitute nothing less than **institutionalized child abuse**. Sound ethics demand an immediate end to the use of pubertal suppression, cross-sex hormones, and sex reassignment surgeries in children and adolescents, as well as an end to promoting gender ideology via school curricula and legislative policies.*

It is time for our nation’s leaders and the silent majority of health professionals to learn exactly what is happening to our children, and unite to take action.”

In light of these the evidence, our state should not ban talk therapy for minors suffering from unwanted gender dysphoria (transgender issues)/same sex attractions.

5. **Many adults have changed with competent therapy.** Many adults have received treatment, and have successfully left the LGBT/Transgender life. They are happy and contented with their choices, and live fulfilled lives. One of them is Walt Heyer, a former transgender woman who went through surgery. Today he is happily married. Visit: <http://www.thepublicdiscourse.com/2015/04/14688/> or <http://www.sexchangeregret.com/>. Another well-known former gay man is Dr. Christopher Yuan. And there are many more on youtube and other websites (google it). Please give the youth the same opportunity to get the therapy they desire for their unwanted sexual identity dysphoria as we give to adults.

For the foregoing reasons, please vote against the HB 664, HD 1. Thank you for this opportunity to express my concerns.

Very truly yours,

Sandra Young

SANDRA YOUNG