



HAWAI‘I CIVIL RIGHTS COMMISSION

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

February 26, 2019
Rm. 016, 9:00 a.m.

To: The Honorable Karl Rhoads, Chair
Members of the Senate Committee on Judiciary

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

Re: S.B. No. 674

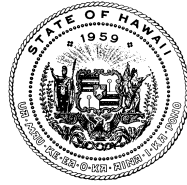
The Hawai‘i Civil Rights Commission (HCRC) has enforcement jurisdiction over Hawai‘i’s laws prohibiting discrimination in employment, housing, public accommodations, and access to state and state funded services (on the basis of disability). The HCRC carries out the Hawai‘i constitutional mandate that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

S.B. No. 674 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 S.B. No. 674. 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. HCRC supports the equal rights of all people, including the most vulnerable.

HCRC supports passage of S.B. No. 674.

DAVID Y. IGE
GOVERNOR OF HAWAII



BRUCE S. ANDERSON, PHD
DIRECTOR OF HEALTH

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

**Testimony in SUPPORT of SB674
RELATING TO GENDER IDENTITY**

SENATOR KARL RHOADS, CHAIR
SENATE COMMITTEE ON JUDICIARY

Hearing Date: February 26, 2019, 9:00 AM Room Number: 016

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

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

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

3

4

5

6

7

8

9

10

11

12

13

14

15

16

17

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.~~

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.



February 21, 2019

Senate's Committee on Judiciary
Hawaii State Capitol
415 South Beretania Street, Room 016
Honolulu, HI 96813

Hearing: Tuesday, February 26, 2019 – 9:00 a.m.

RE: **SUPPORT with Amendments for Senate Bill 674** – RELATING TO GENDER IDENTITY

Aloha Chair Rhoads, Vice Chair Wakai and fellow committee members,

I am writing in SUPPORT of the INTENT of Senate Bill 674 on behalf of the LGBT Caucus of the Democratic Party of Hawai'i and requesting a few amendments. SB 674 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 Hawai'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 SB 674 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 Hawai'i Revised Statutes. When SB 674 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 SB 674 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 Hawai'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 Hawai'i humbly asks that you support SB 674 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.

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

7 (c) For purposes of this section:

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

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

21 "Conversion therapy" shall not include counseling that
22 provides assistance to a person undergoing gender transition, or
23 counseling that provides acceptance, support, and understanding

1 of a person or facilitates a person's coping, social support,
2 and identity exploration and development, including sexual-
3 orientation-neutral interventions to prevent or address unlawful
4 conduct or unsafe sexual practices, as long as such counseling
5 does not seek to change an individuals sexual orientation or
6 gender identity.

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

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

15

16

INTRODUCED BY: _____

17

18

1 Report Title:
2 Gender Identity Change Efforts; Chapter 453J, Hawaii Revised
3 Statutes

4
5 Description:
6 Prohibits [~~both sexual orientation and gender identity change~~
7 ~~Efforts~~] conversion therapy under Chapter 453J, Hawaii Revised
8 Statutes. (HB664 HD1)
9

10
11
12
13
14
15

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

SB-674

Submitted on: 2/22/2019 4:48:22 PM

Testimony for JDC on 2/26/2019 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Darlene Ewan	Testifying for Aloha State Association of the Deaf	Support	No

Comments:



Hawai'i Psychological Association

For a Healthy Hawai'i

P.O. Box 833
Honolulu, HI 96808

www.hawaiipsychology.org

Phone: (808) 521-8995

Testimony in SUPPORT of SB674
RELATING TO GENDER IDENTITY

COMMITTEE ON JUDICIARY
Senator Karl Rhoads, Chair
Senator Glenn Wakai, Vice Chair

Tuesday, February 26, 2019, 9:00AM, Conference Room 016

The Hawai'i Psychological Association (HPA) supports this bill and its efforts to clarify the language in the bill passed last session banning “conversion therapy” or “sexual orientation change efforts” with minors. This bill is a housekeeping measure designed only to change the language of the bill to make it clear that the ban on these procedures applies equally to efforts to change the sexual orientation of lesbian, gay or bisexual minors and to efforts to change the gender identity of transgender minors. Conversion “therapy” is not therapeutic - it can be abusive and cause psychological distress in regard both to changing sexual orientation and gender identity.

This bill is a product of a task force led by the Department of Health (DOH), Child and Adolescent Mental Health Division (CAMHD) as mandated by Act 13, SLH 2018. The task force was comprised of legislators, representatives of health insurers, state agencies, and advocates, and community members, including an HPA representative.

The original draft of this bill caused some disagreements among advocates for LGBTQ youth about the language used. Representative Mizuno, Chair of the House Committee on Health, requested CAMHD staff to work with several individuals who submitted testimony on the House version of the bill in order to create a consensus version. This has been accomplished, and DOH testimony includes the consensus document as a possible amended version of this bill. We urge the committee to adopt DOH's proposed amended version.

Sincerely,

Julie Takashima-Lacasa, PhD
Chair, HPA Legislative Action Committee

Helping Hawai'i Live Well

To: Senator Karl Rhoads, Chair, Senator Glenn Wakai, Vice Chair, Members, Senate Committee on Judiciary

From: Trisha Kajimura, Executive Director

Re: TESTIMONY IN SUPPORT OF SB 674 RELATING TO GENDER IDENTITY

Hearing: TUESDAY February 26, 2019, 9:00 am, CR 016

Thank you for hearing SB 674, 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.

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 Hawai'i 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. You can reach me at trisha.kajimura@mentalhealthhawaii.org or (808)521-1846 if you have any questions.

SB-674

Submitted on: 2/24/2019 11:00:55 PM

Testimony for JDC on 2/26/2019 9:00:00 AM

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

Comments:

LATE

To: Hawaii State Senate Committee on Judiciary
Hearing Date/Time: Tues., Feb. 26, 2019, 9:00 a.m.
Place: Hawaii State Capitol, Rm. 016
Re: Testimony in strong support of S.B. 674, relating to Gender Identity

Dear Chair Rhoads and Members of the Committee,

Planned Parenthood Votes Northwest and Hawaii (“PPVNH”) writes in strong support of S.B. 674, 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 S.B. 674 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 State Director

SB-674

Submitted on: 2/21/2019 11:27:20 PM

Testimony for JDC on 2/26/2019 9:00:00 AM

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

Comments:

I strongly support SB 674 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.

Mike Golojuch, Sr.

SB-674

Submitted on: 2/22/2019 2:04:25 AM

Testimony for JDC on 2/26/2019 9:00:00 AM

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

Comments:

I support **SB 674** 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.

SB-674

Submitted on: 2/22/2019 3:08:27 PM

Testimony for JDC on 2/26/2019 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
cheryl	Individual	Support	No

Comments:

Robert J. Bidwell, MD

6264 Keokea Pl., Honolulu, Hi. 96825 Tel. 808-428-4545

Date: February 26, 2019, 9:00 am
Conference Room 016
State Capitol

To: Sen. Karl Rhoads, Chair (Committee on Judiciary)
Sen. Glenn Wakai, Vice-Chair (Committee on Judiciary)

From: Robert J. Bidwell, M.D.

Re: SB 674 “Relating to Gender Identity”

Position: Strongly Support

Dear Judiciary Committee Chair, Vice Chair, and Committee Members:

I am presenting this testimony in strong support of SB 674 “Relating to Gender Identity.” This bill seeks to correct important errors, omissions and inaccurate use of terminology appearing in Act 13, SLH 2018 “Relating to Minors.” The corrections to Act 13 accomplished by SB 674 are few, simple and straightforward and do not in any way change the substantive content, focus or intent of Act 13.

I presently am Associate Clinical Professor of Pediatrics at the UH John A. Burns School of Medicine. I was also a member of the Act 13, SLH 2018 “Relating to Minors” Task Force (known informally as the “Conversion Therapy Task Force”) that, as mandated by Act 13, met this past year to review the “Conversion Therapy Law” and present recommendations to the current legislature regarding steps necessary to carry forward the full intent of the law. I should also add that over the past 5 years more than 90% of my pediatric practice has involved providing supportive care and counseling to youths under the age of 18 who face personal issues related to sexual orientation and gender identity. Therefore, Act 13 is directly relevant to my pediatric practice and the often-vulnerable population I serve.

Undoubtedly, Act 13 was born of good intentions and in general it reflects the policy positions taken by all mainstream professional organizations related to the care, counseling and protection of youth: that attempts to change the sexual orientation or gender identity of individuals through “conversion therapy” are not only ineffective, but more importantly are unethical and dangerous. Therefore, the passage of Act 13 was a well-intended step forward in efforts to protect Hawai`i’s lesbian, gay, bisexual and transgender (LGBT) youth.

Nevertheless, among those of us providing care and counseling to LGBT youth it is clear that Act 13, as passed, was textually incorrect, and therefore both confusing and misleading in two important ways. First, although the wording of the Act indicates intent

to prohibit efforts by professional counselors to change both sexual orientation and gender identity (since both are referred to in the text of the law), the law incorrectly subsumes “efforts to change gender identity” under the definition of “sexual orientation change efforts.” This conflation of terminology (“sexual orientation” and “gender identity”), as if the latter were a subset of the former, is jarringly incorrect and misleading as each entity is a separate and distinct aspect of human identity. By incorrectly subsuming gender identity under sexual orientation, the unique experience and needs of transgender youth are minimized (as so often is the case) relative to those of lesbian, gay and bisexual youth. By incorrectly subsuming gender identity under sexual orientation, Act 13 fails to protect transgender youth to the same degree as LGB youth, even though equal protection of LGB and T youth certainly was intended by the law. The addition of a separate definition of “Gender identity change efforts” in the text of SB 674, and the removal of its appearance under the definition of sexual orientation change efforts, correct this error and emphasizes the equal importance of both gender identity and sexual orientation as distinct issues of concern related to conversion therapy efforts.

Secondly, while Act 13 expressly intends to prohibit efforts to change both sexual orientation and gender identity, in its present form it references only sexual orientation change efforts in the title of the Act. Perhaps this again represents an incorrect assumption that “sexual orientation” covers both entities. The failure of “gender identity” to appear in the title again diminishes (one could even say “makes invisible”) the experience and needs of transgender youth and their very real need to be protected from gender identity change efforts. Having the title of the Act reference only conversion therapy related to sexual orientation also has the practical effect of not fully informing professional counselors, clearly and up front, about the full scope and intent of the Act and what counselors need to be aware of in order to remain in compliance with the law in their work with LGBT youth, particularly those youth dealing with issues of gender identity. Adding the phrase “gender identity change efforts” to the title easily resolves this issue.

Again, I believe the passage of Act 13 was well-intended. In its present textually-flawed form, however, it is rendered less able to achieve its intended effect of protecting lesbian, gay, bisexual and transgender youth to the fullest extent possible. I view SB 674 “Relating to Gender Identity” as simply a housekeeping measure that will easily correct and clarify the wording in Act 13 in reference to sexual orientation and gender identity. It does not redefine these terms, but merely clarifies that they are separate and distinct entities, which should be reflected both in the text of the Act as well as its title.

It is for the above reasons that I respectfully encourage members of your Committee to vote in favor of SB 674.

Thank you very much for your attention to this matter, and for all that your Committee has done in the past to support and protect the youth of Hawai`i, including those who are L, G, B and T.

SB-674

Submitted on: 2/23/2019 11:20:21 PM

Testimony for JDC on 2/26/2019 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Lily Washburn	Individual	Support	No

Comments:

Aloha Chair Rhoads, Vice Chair Wakai, and committee members,

My name is Lily Washburn, and I'm a student at SEEQS: The School for Examining Essential Questions of Sustainability, a charter school in Kaimuki. I am writing to say that I **strongly support SB674**.

I am in support of this bill because I believe that anyone under the age of 18 should not be forced to change their sexual orientation or gender identity, especially at such an early time in their life.

Based on what the American Psychological Association found after reviewing research conducted on gay conversion therapy, the efforts to change someone's sexual orientation are unlikely to work and may cause anxiety, depression, suicide, and other negative impacts.

It is important to me that people have the freedom to love whomever they choose and identify as their true selves, without anyone trying to change them.

Thank you again for your consideration of this serious issue.

SB-674

Submitted on: 2/24/2019 9:48:47 AM

Testimony for JDC on 2/26/2019 9:00:00 AM

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

Comments:

I fully support this bill. All evidence shows this type of therapy is harmful and does not meet professional standards of care for a patient.

Thank you for passing this needed bill.

To: Senate Committees on Judiciary
Hearing on Tuesday, February 26, 2019, 9:00 am, Room 016
Senator Karl Rhoads, Chair, Committee on Judiciary
Senator Glenn Wakai, Vice Chair, Committee on Judiciary
Members of the Committee on Judiciary

Re: S.B. 674 Relating to Gender Identity

Testimony of Josephine L. Chang in Strong Support of SB 674

Thank you, Chair Rhoads, Vice-Chair Wakai, and members of the Committee on Judiciary for this opportunity to testify on SB 674.

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 ("Task Force"), nominated by the Speaker of the House. The Task Force was established by Act 013 that created Ch. 453J, HRS, the law that we are seeking to amend by SB 674. The Task Force was tasked with recommending proposed legislation among other things. SB 674 (along with HB 664, 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 clarify that Chapter 453J, Hawaii Revised Statutes *already* prohibits both sexual orientation change efforts and gender identity change efforts. But this bill is needed to clarify and correct the erroneous wording in 453J, HRS, that obscures the protections for a transgender youth's gender identity under 453J, HRS. SB 674 is intended to make clear that gender identity change efforts are also prohibited under this law, most importantly 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, to correct erroneous wording currently in Ch. 453J, HRS, these wording amendments 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 have the Legislature clearly and specifically recognize the need of transgender youth for protection of their gender identities under this law, and that efforts to change gender identities are not the same as efforts to change a person's sexual orientation.

The purpose of the bill that established Ch. 453J, HRS, states the Legislature's intent to protect transgender youth as well as lesbian, gay, and bisexual youth, and protections for gender identity were included in this law as seen by the inclusion of "efforts to change gender identity" in the definition of

“sexual orientation change efforts” and in the final provision in this law. However, 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.) Furthermore, the title of Ch. 453J, HRS, omits any reference to the protections for gender identity by only stating “sexual orientation change efforts.”

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.

SB 674 would make wording changes to Ch. 453J, HRS, only 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.

However, at this point, we also anticipate that the Chair of the Task Force, Dr. Lesley Slavin, of CAMHD, DOH, will submit alternative wording amendments to Ch. 453J, HRS, also meant to correct erroneous wording as explained above. I would fully support Dr. Slavin’s alternative amendments to Ch. 453J, HRS, and to amend SB 674.

I respectfully ask for your support for SB 674.

Aloha and Mahalo,

Josephine (Jo) Chang, JD

Ph. 808 383-2111

LATE

SB-674

Submitted on: 2/25/2019 1:24:57 PM
Testimony for JDC on 2/26/2019 9:00:00 AM

Submitted By	Organization	Testifier Position	Present at Hearing
Thaddeus Pham	Individual	Support	No

Comments:

I strongly support this bill, as it would better protect our keiki from undue harm.

Recent data from the Hawaii Dept of Health's Sexual and Gender Minority Report for 2017 and 2018 indicate that LGBTQ youth in Hawaii are at increased risk for suicide, substance use, and other behavioral and health issues.

I am aware that the Department of Health may be working on language changes to the bill to clarify protections for both sexual and gender minorities. I fully support these changes.

Mahalo