

March 16, 2021

Dear Governor Noem:

We, the undersigned South Dakota physicians and future physicians, write to express our opposition to HB 1217. We believe that this bill and the debate surrounding it disregards the broad range of physical diversity amongst athletes, misconstrues and grossly over-simplifies the scientific foundations of sex and gender, and that stereotypes girls and women as smaller and weaker than their male counterparts. Most critically, we oppose this bill because we are deeply aware of the harm that it will cause to our young transgender patients. Suicide and depression is a matter of public concern and as those entrusted with the public health of this state we urge to veto this bill.

If you were to picture a female athlete, who would you see? Serena Williams, Megan Rapinoe, Simone Biles? The only thing these athletes have in common is that they are very physically diverse. There is no one “right way” to be a female athlete, so why do we want to exclude transgender girls and women from participating in sports in South Dakota?

The term “biological sex” is being used frequently in this discussion, and proponents of HB 1217 lean heavily on genetics as the basis for their claims. The truth, however, is that most of us will never know what our genes say about our gender. Genetic sex is not routinely tested at birth, or at any point unless the need arises. The incidence of chromosomes other than XX or XY is approximately 1 in 1600 people.

This bill will not only exclude transgender girls, but every strong, better than average athletic cisgender girl whose genetics are now called into question when she dominates her sport. How will these allegations be dealt with? Physical exam? Genetic testing? Both options being invasive, demeaning, and time consuming. This bill has much more potential to harm all female South Dakota athletes than address any “fairness” concerns.

Along with the exclusion of transgender girls and women from sport, this bill will bring inevitable court cases and loss of sports revenue due to violation of NCAA standards. Hundreds of NCAA athletes are already calling for removal of events in states considering this type of legislation.

The South Dakota High School Activities Association already has a thorough vetting process in place for transgender athletes that adequately balances fairness, safety, and the ability of all students to have a chance to play. It has been working well since 2013, and keeps government regulation out of high school sports while being inclusive.

As medical professionals, we know the reality of the health disparities that transgender youth face. According to The Trevor Project, transgender youth report significantly increased rates of depression, suicidality, and victimization compared to their cisgender peers. Notably, in the past year, one in three transgender youth reported attempting suicide, and more than half reported a two-week period of depression.

One way our state can combat these health disparities is by ensuring that transgender young people have the ability to participate fully in school life as their authentic selves. Studies show that the best treatment for gender dysphoria is often transitioning. As such, forcing children to play on a sport team of their gender assigned at birth is not part of a healthy treatment plan and will not provide the social, emotional, and mental health benefits transgender young people need.

This ability to authentically participate fully in school life is especially critical for wellbeing during adolescence - the very population that HB 1217 would ban from athletic participation. For students in general, having the opportunity to participate in sports results in positive outcomes—better grades, greater homework completion, higher educational and occupational aspirations, and improved self-esteem.<sup>i</sup> For lesbian, gay, bisexual, transgender, queer, and questioning (LGBTQ) students, GLSEN reports show that athletes have a GPA that is between 0.2 and 0.4 points higher on a 4.0 scale than students not participating in athletics. Furthermore, 56% of LGBTQ team members and 66% of team leaders competing in high school sports report feeling a positive sense of belonging at school.

Knowing these reports to be accurate, we cannot remain silent while legislation such as HB 1217 is still in consideration; we know that when legislation such as this is debated that it deeply impacts our transgender patients. It reinforces messages they've heard far too often from bullies in their school hallways or mean-spirited internet commenters. It sends them a message that they are not valid, that their identities are in question, and that they don't belong. We sincerely hope that you recognize the very serious harm that this legislation presents and choose to exercise your veto power.

We ask you to veto HB 1217.

Respectfully,

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