
Preserving the Right of Parents to Guide Their Children

Please vote no on HB 587 (amended).

History

On behalf of the families we represent, Cornerstone Action has actively opposed HB 587 since it was first introduced in the 2017 legislative session. In addition, we opposed a similar bill that was brought forth in the 2016 session. HB 587 passed the House on February 8, 2018 (179-171).

Where the Bill Is Now

On Thursday, April 19, 2018 the Senate voted 14-10 “ought to pass” on an amended version of HB 587 with these changes:

- removes 3 1/2 pages of misleading findings
- removes consumer protection language
- adds “Nothing in this chapter shall be construed to infringe on any constitutional right, including the free exercise of religion.”

The amendment addresses some of the flaws in the underlying bill, but we must nevertheless reiterate our opposition to the bill. Please consider the following as you prepare to vote on HB 587.

1. The bill defines conversion therapy as “... practices or treatments that seek to change an individual’s sexual orientation or gender identity, including efforts to change behaviors or gender expressions or

to eliminate or reduce sexual or romantic attractions or feelings towards individuals of the same gender.” Families must have the freedom to set their own counseling goals and objectives, and the state has no business interfering with the autonomy of families to make those decisions. As long as that definition of conversion therapy is at the heart of the bill, no amendment can make the bill acceptable.

2. In view of the fact that 80-95%¹ of kids who express gender identity confusion will outgrow it, responsible parents should be able to question whether their child really has gender dysphoria and to seek out professional counseling as they explore answers to that question. By outlawing therapists from assisting with certain goals, HB 587 would effectively deprive parents of their right to help guide their child through these questions.

Suppose a 5-year old boy comes home from school and tells his parents he wants to be a girl. The parents ask why, and the boy says that a friend told him that he could be a girl if he wants. Under HB 587, parent and child alike would be denied the services of any licensed counselor who

¹ See Cohen-Kettenis PT, Delemarre-van de Waal HA, Gooren LJ. The treatment of adolescent transsexuals: changing insights. *J Sexual Med* 2008;5:1892–1897.

would affirm the child's biological sex, despite studies showing that up to 95% of children will outgrow gender confusion. Under HB 587 as amended, affirmation of transgender identity is the only option that parents and children have when they visit a counselor or therapist.

Imagine that 80-95% of hyperactive kids outgrow their hyperactive condition, with the remaining few maintaining hyperactivity into adulthood and requiring medication to treat it. Would we mandate that all parents whose kids demonstrate some hyperactive behaviors put their kids on medication for the rest of their lives? Of course not. We would trust parents to monitor their children to see if they outgrow their hyperactive behaviors. If the child doesn't seem to be outgrowing the behavior, then the parents might explore medical intervention.

3. Parents know what is best for their children. If a 6-year daughter doesn't want a shot, a parent has the right to override what that child wants. But under HB 587, if that same daughter wants to live as a boy, her parents do not have the right to decide differently and seek help to assist her in embracing her biological sex. Parents who merely question whether their child has gender dysphoria are told that they cannot receive counseling and therapeutic help as they explore whether their child may be among the vast majority who will outgrow gender identity confusion.
4. HB 587 as amended creates more confusion and ambiguity. Conversion therapy could include a counselor who simply asks, "are you sure you are

attracted to the same-sex, or do you just want to fit in with some friends who are experimenting with same-sex behavior?"

5. "Conversion therapy" would seemingly encompass conversations between a therapist and client, it could extend to other counseling practices, such as the use of books and other resources, recommending behavioral changes, and even encouraging the client to write in a journal or track emotions on a daily basis.
6. The amendment's phrase on religious rights sounds reassuring, but does not bear up under scrutiny. "Nothing in this chapter shall be construed to infringe on any constitutional right, including the free exercise of religion" (332-L:3). This clause, which merely recognizes existing constitutional rights, lacks the robust, concrete protections needed to truly protect religious freedom. An activist judge can easily bypass this clause by determining that the state's interest in enforcing this law outweighs religious freedom concerns.

A meaningful exemption for religious freedom would:

- 1) broadly define the groups covered by the exemption to include not just those affiliated with a religious organization, but anyone with sincerely held religious beliefs, and
- 2) recognize that the activities of licensed professionals and for-profit businesses are entitled to the same protection as the activities of a church or minister.

For these reasons, we urge you to stop HB 587 now. Please vote to non-concur with the Senate's version.