

February 21, 2023

### S.37: Vermont Senate Committee on Health and Welfare

Renee McGuinness, member  
Vermont Family Alliance testimony

**Vermont Family Alliance (VFA)** advocates for parental rights and the protection of minors. We defend the rights and responsibilities of parents and their due process regarding their children at the local and state level. We are a grassroots organization with members from all regions of Vermont.

I have read S.37 and listened to Legislative Counsel’s walkthrough. During the walkthrough, Chairperson Ginny Lyons stated at the 57:36 minute mark, “can I just add that the importance of this is that we’re seeing uh – when we talk about gender-affirming health care services, we’re talking about a fairly young population, so adolescent population, so [“it could be any age” – legal counsel interjected] it could be any age, of the numbers that right now the waitlist for example is pretty high in the adolescent group, so, yeah, it’s important to have some counseling or support services or something available.”

Given Senator Lyon’s statement, above, and Chairperson Martin LaLonde’s introductory statements prior to the walkthrough of the H.89 Shielding bill in the House Judiciary Committee, which also indicated H.89 applies to youth and minors, it is evident that supporters of both S.37 and H.89 intend to control and protect *exclusively* gender-affirming care *for minors* in the State of Vermont.

Pages 2 and 3 of S.37 read as follows:

14 \* \* \* Definitions \* \* \*

15 Sec. 1. 1 V.S.A. § 150 is added to read:

16 § 150. LEGALLY PROTECTED HEALTH CARE ACTIVITY

17 (a) “Gender-affirming health care services” means all supplies, care, and

18 services of a medical, behavioral health, mental health, surgical, psychiatric,

19 therapeutic, diagnostic, preventative, rehabilitative, or supportive nature

1 relating to the treatment of gender dysphoria. “Gender-affirming health care 2 services” does not include conversion therapy as defined by 18 V.S.A. § 8351.

**18 V.S.A. § 8351.** Applies specifically to minors, making S.37 pertinent to minor protections and parental rights.

**The Cass Review Interim Report, released February of 2022, demonstrates that there is lack of evidence that gender-affirming care is the appropriate standard of care in all situations and for all minors and youth. It is therefore misguided at this time to compel insurance companies to fully cover the costs of exclusively gender-affirming care for minors or to shield exclusively gender-affirming practitioners from increases in malpractice insurance.**

**Vermont Family Alliance is opposed to shielding gender-affirming care practitioners from increases in malpractice insurance premiums and is opposed to requiring insurance companies to fully cover the costs of gender-affirming care, to the exclusion of all other types of care.**

Please review the submitted [Cass Review Interim Report](#) on Gender Dysphoria Services for children and youth initiated by the UK NHS.

[Dr. Hilary Cass](#) was appointed by NHS England and NHS Improvement to chair the Independent Review of Gender Identity Services for minors at Tavistock Gender Clinic in 2020. The study came after a lawsuit against Tavistock was filed, and concludes, in part:

- A significant increase in referrals to Tavistock’s Gender Identity Development Services (GIDS), especially birth-assigned females presenting gender dysphoria in adolescence.
- Lack of control measures that are typically applied when new treatments are introduced.
- **Lack of discussion and consensus on treatment protocols.**
- Diagnostic overshadowing (healthcare issues other than gender-related distress are overlooked).
- **Pressure on staff to adopt an unquestioning affirmative approach which is at odds with the standard process of clinical assessment and diagnosis.**

In addition, the Summary of the Cass Review Interim Report states:

- “Evidence on the appropriate management of children and young people with gender incongruence and dysphoria is inconclusive both nationally and internationally.”

- “The Review is not able to provide definitive advice on the use of puberty blockers and feminising/masculinising hormones at this stage, due to gaps in the evidence base.”

**S.37, along with H.89, shields gender-affirming care practitioners from the types of lawsuits that are currently filed in both the UK and the United States.**

“The UK's only children's gender identity development service (GIDS), run by the Tavistock and Portman NHS Foundation Trust, [is to be sued by ‘at least a thousand families’](#) who allege that their children were rushed into taking life-changing puberty blocking drugs. As a result, they were facing ‘physical and psychological permanent scarring that will last the rest of these victims’ lifetimes’, alleged the law firm involved.” [The Tavistock clinic was ordered to close.](#)

During the February 2, 2023 House Judiciary Committee meeting on H.89 at 9:00 am, Jessa Barnard, Executive Director of the Vermont Medical Society, in response to Chairperson LaLonde’s line of questioning regarding standards of care that are to be followed by licensed practitioners in Vermont, Barnard falsely states, “in fact, there are actually international, evidence-based guidelines for transgender care as well [as] national and international best practice guidelines.”

In fact, countries in Europe have discovered the many negative outcomes of exclusively gender-affirming care, and are re-evaluating exclusively gender-affirming care. The House Judiciary Committee disregarded the expert findings of the Cass Review Interim Report that was presented to them by Vermont Family Alliance during February 1, 2023 testimony.

Consider two City Journal articles on the changing tide of gender-affirming care:

### **Affirming Deception**

An unexpected concession by the World Professional Association for Transgender Health reveals dishonesty in the American gender-medicine establishment. Leor Sapir December 6, 2022 <https://www.city-journal.org/wpath-finally-acknowledges-europes-restrictions-on-gender-affirming-care>

### **A Victory for Child Welfare?**

Did the American Academy of Pediatrics tacitly reverse its stance on pediatric gender medicine? Leor Sapir, August 22, 2022 <https://www.city-journal.org/did-the-aap-just-reverse-its-gender-transition-policy>

Vermont Family Alliance calls upon legislators to study and consider the findings of the Cass Review Interim Report and the [lawsuit against Tavistock Gender Clinic](#) along with detransitioner Chloe Cole's suit against [Kaiser Permanente](#) before passing any legislation regarding the treatment of minors and youth presenting with gender dysphoria and incongruence.

As you consider whether to advance legislation that shields Vermont's exclusively gender-affirming system of care, VFA asks you to consider recent international findings and **on-going research** on gender identity care, and that you consider the potential negative impacts on both in-state and out-of-state children, youth, and families by shielding a system of care for which there is no consensus on the Standard of Care.

Vermont Family Alliance also calls upon legislators to bring in balanced testimony on gender ideology and its impact on minors.

Renee McGuinness

Vermont Family Alliance