



February 8, 2023

Dear Chair Lyons and Members of the Senate Committee on Health and Welfare:

On behalf of GLBTQ Legal Advocates and Defenders (GLAD), I write to testify in strong support of Senate Bill 37.

GLAD works in New England and nationally to promote justice and freedom on the basis of gender identity, gender expression, sexual orientation, and HIV status. We have had the pleasure of collaborating with Vermonters over decades on progress for justice and freedom, including most recently on comprehensive protections for LGBTQ families and their children. Our Transgender Rights Project, one of the first in the nation, is dedicated to ensuring that transgender people can thrive and succeed in our communities. Access to evidence-based, medically necessary health care is vital to that ability to thrive.

Through this bill, Vermont rises to the challenges posed by an extremist U.S. Supreme Court that has stripped away the long-standing right to abortion and bodily autonomy and has threatened to scale back other foundational rights including the right to contraception, the right to equal marriage, and the right to LGBTQ intimacy.

Senate Bill 37 signals to Vermonters and to the entire country that Vermont will use its resources (1) to ensure that individuals and their providers, not the government, are the ones making decisions about healthcare and well-being, (2) to ensure that there remains robust access to reproductive and transgender health care in Vermont, including economically and geographically, and (3) to ensure that patients, their families, and their providers are protected as much as possible from unfounded efforts to criminalize vital evidence-based health care so that they can continue to thrive in their lives and livelihoods.

LGBTQ people -- particularly transgender people -- are facing unprecedented attacks across the country. Already in this legislative season that is still so young, over 150 bills have been filed across the country attacking transgender people and their right to access necessary medical care, the ability of youth to participate in sports with their peers, and the ability to use accurate names and pronouns, among other bills. In some corners, there is an all-out assault on transgender people, to dehumanize them and to strip them of their right to exist and thrive as the beloved family and community members that they are.

GLAD has been working hard on defense in collaboration with many individuals and organizations to hold back these anti-transgender legislative efforts in the New England states because there have been bills pursued in New Hampshire, Maine, Rhode Island and Connecticut. We have also been collaborating on court challenges to transgender medical care bans. For example, Alabama enacted a law¹ that makes it a felony with a possible ten-year prison sentence for a provider, parent, or anyone who assists a young person accessing medically necessary, best

¹ Ala. Code §§ 26-26-1 – 26-26-9.

practice transgender health care services. Because of GLAD's litigation, this Alabama law is currently enjoined,² but efforts to ban transgender health care are underway in other states and, unfortunately, Utah³ just recently enacted a ban on access to future transgender health care for minors.

The U.S. Supreme Court decision in *Dobbs v. Jackson Women's Health Organization*, 597 U.S. ____ (2022) was a call to action. Thank you for answering that call with this bill. This bill has many important provisions, so I will highlight just a few.

With regard to transgender health care, this bill will:

- Protect providers from disciplinary action for providing evidence-based, best-practice medical care in Vermont regardless of the patient's location.
- Ensure insurance coverage for medically necessary transgender health care.
- Enable a better understanding of existing holes in access to transgender health care in Vermont.

Particularly in the realm of transgender health care, which is interdisciplinary care, many different types of providers are involved in providing care including doctors, nurses, social workers and beyond. It is important to protect the full scope of providers. One question for the Committee to consider is whether the definition of health care provider in the bill, which refers to 18 V.S.A. § 9496, is capacious enough to cover the full range of providers including genetic counselors, nurses, pharmacists, physicians, physician assistants, psychologists, and social workers.

Transgender health care is well established, standard of care medicine to treat the serious and treatable condition of gender dysphoria. Many states are unfairly targeting transgender health care in a way that is driving providers away from practice and harming patients and their families. Bills such as SB 37 are needed to ensure access to care for transgender people whose medical condition has been highly stigmatized and who experience tremendous barriers to care. People thrive when they have access to the healthcare they require.

The importance of action in this moment cannot be overstated. Extremist attacks on access to transgender health care undermine our health care systems and our communities. In this exceptional moment in history, thank you for your hard work and vision on SB 37, and we hope that the Senate will act decisively to move this bill forward. Please do not hesitate to contact me for additional information.

Sincerely yours,
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² *Eknes-Tucker v. Marshall*, No. 2:22-cv-184-LCB, 2022 U.S. Dist. LEXIS 87169 (M.D. Ala. May 13, 2022).

³ Utah Code Ann. § 58-1-603.1.