



April 13, 2021

Via Electronic Mail

Rhode Island House Committee on Judiciary
HouseJudiciary@rilegislature.gov

Re: Support for H 6171 – Protection of Youth with Variations in Physical Sex Characteristics Act

Dear Chair Craven, First Vice Chair McEntee, Second Vice Chair Knight, and members of the House Committee on Judiciary:

I write on behalf of GLBTQ Legal Advocates & Defenders (GLAD), a New England-based legal organization dedicated to creating a just society free of discrimination based on gender identity and expression, HIV status, and sexual orientation. GLAD has long worked in collaboration with the Rhode Island LGBTQI+ community and organizations on a range of issues including transgender rights, marriage equality, and parentage equality, and GLAD has appreciated the support of this Committee on many issues of critical importance to the LGBTQI+ community.

GLAD writes in support of H 6171, the Rhode Island Intersex Youth Protection Act, which is an important human rights measure protecting children born with variations in their sex characteristics. This bill prohibits certain genital surgeries on infants and children under the age of 12 who are born with variations in their sex characteristics unless surgery is required to address an immediate risk of physical harm.

Approximately 1-2% of children are born with variations in sex characteristics—such as genitalia, reproductive organs, and chromosomes—sometimes referred to as intersex traits.¹ Variations in sex characteristics are natural parts of the diversity of the human experience rather than medical problems to be fixed. Unfortunately, because of misunderstandings about human physiology and bias rooted in misinformation, too many people with variations in sex characteristics have had surgical procedures performed on them with long lasting, negative consequences. This bill would change that.

Beginning in the mid-twentieth century, American physicians began performing surgeries on infants born with variations in their physical sex characteristics – some of whom later identify with the term intersex – to make their bodies conform to stereotypical expectations of how male and female bodies should appear with no apparent medical reason for doing so. These surgeries have included infant vaginoplasties, clitoral reductions, and removal of gonadal tissues that can result in extreme scarring, chronic pain, incontinence, lifelong loss of sexual sensation, sterilization, and post-traumatic stress disorder. Although a number of doctors continue to perform these irreversible surgeries on infants based on the idea that typical appearing sex characteristics are necessary for a child's so-called "normal" psychosocial and gender development, including in Rhode Island, that claim is based on unfounded assumptions about how individuals relate to their bodies. Research does not support this claim. All major community-led groups condemn the practice of surgically erasing variations in children's sex characteristics when performed without centering the input of the individual involved.

¹ Anne Fausto-Sterling, *Sexing the Body: Gender Politics and the Construction of Sexuality* (2000)

Mounting evidence suggests that performing these surgeries on young children's genital and gonadal variations in the absence of an urgent medical need causes avoidable harm. Leading pediatric hospitals have announced they are halting these surgeries in recognition of this fact.² Additionally, professional medical associations such as the American Academy of Family Physicians and the Massachusetts Medical Society oppose medically unnecessary genital surgeries on intersex children.³ Like survivors of LGBTQ+ conversion therapy and medically unnecessary sterilizations, which Rhode Island prohibits,⁴ individuals living with the results of these surgeries deal with the harmful emotional and physical consequences of medically unnecessary attempts at "treatment" for the rest of their lives.⁵

This bill prohibits specified surgeries on children under the age of 12 except when required to address an immediate risk of physical harm. This narrow bill specifically prohibits only unnecessary surgeries and those which pose a serious risk of harm. Passing H 6171 is an important step in ensuring the long-term health and emotional well-being of children born with variations in their physical sex characteristics and their families.

² See Ann & Robert H. Lurie Children's Hosp. of Chicago, Intersex Care at Lurie Children's and Our Sex Development Clinic, Lurie Children's Blog (July 28, 2020), <https://www.luriechildrens.org/en/blog/intersex-care-at-lurie-childrens-and-our-sex-development-clinic/>. 19th News, Boston Children's Hospital will no longer perform two types of intersex surgery on children (2020), <https://19thnews.org/2020/10/boston-childrens-hospital-will-no-longer-perform-two-types-of-intersex-surgery-on-children/>.

³ See Am. Acad. of Physicians, Genital Surgeries in Intersex Children (July 2018) <https://www.aafp.org/about/policies/all/genital-surgeries.html>. GLMA: Health Prof'ls Advancing LGBTQ Equality, LMA Adopts Resolution on Care for Children with DSD, (October 3, 2016) <http://glma.org/index.cfm?fuseaction=Feature.showFeature&CategoryID=1&FeatureID=796>. Am. Counseling Ass'n, Resolution to Protect Intersex Children from Unwanted Surgery, Secrecy, and Shame (March 30, 2004). Am. Med. Student Ass'n, AMSA Issues Statement to Defer Gender "Normalizing" Surgeries for Children Born as Intersex (October 26, 2017) <https://www.amsa.org/about/amsa-pressroom/amsa-issues-statement-defer-gender-normalizing-surgeries-children-born-intersex/>. Mass. Med. Soc'y, Massachusetts Medical Society announces policies on opioid use disorder, intersex children and e-cigarettes (December 11, 2019) <http://www.massmed.org/News/Press-Releases/Massachusetts-MedicalSociety-announces-policies-on-opioid-use-disorder,-intersex-children-and-e-cigarettes/#.YFjEUKhKiEs>.

⁴ R. I. G. L. § 23-94-1; § 23-94-2 (conversion therapy ban); R. I. G. L. § 11-5-2 (genital mutilation prohibition); R. I. G. L. § 11-9-17 (sterilization of children prohibition providing that "[e]very person who performs or aids and abets in the performance of a sterilization procedure on any person under the age of eighteen (18), unless the sterilization is incidental to, or is rendered necessary or unavoidable by, some other medical treatment or procedure required to preserve the life or health of that person, shall be guilty of a felony punishable by up to five (5) years imprisonment and a fine of up to five thousand dollars (\$ 5,000), or both.").

⁵ Human Rights Watch & InterACT, "I Want to Be Like Nature Made Me:" Medically Unnecessary Surgeries on Intersex Children in the US (July 25, 2017) <https://www.hrw.org/report/2017/07/25/i-wantbe-nature-made-me/medically-unnecessary-surgeries-intersex-children-us>.

Thank you for the opportunity to provide testimony in support of H 6171, and I hope the bill receives a favorable vote out of committee. Please do not hesitate to contact me with questions or for additional information.

Sincerely,

A handwritten signature in dark ink, consisting of a stylized capital 'P' followed by a long, horizontal, slightly wavy line that tapers off to the right.

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