

The Dangers of SB 341



Senate Bill 341 would bar transgender athletes from participating in sports with their peers. Kids learn a lot of important life lessons in sports: leadership, confidence, self-respect, and what it means to be part of a team. When we tell transgender girls that they can't play girls' sports—or transgender boys that they can't play boys' sports—they miss out on this important childhood experience and all the lessons it teaches.

1. The bill hurts all girls. The bill allows for any person to dispute whether or not a young girl is cisgender or transgender. This will add harmful scrutiny to the appearance of young girls, and could allow members of rival teams to dispute their competitor's ability to compete because she doesn't look traditionally feminine enough. No girl or young woman, transgender or not, should be scrutinized for her appearance.

2. This bill is extremely invasive. If there is a dispute over whether a young athlete is a cisgender or transgender girl, her doctor would have to attest to her "internal and external reproductive anatomy" and her genetic makeup. This means that, based on appearance alone, girls will be forced to undergo invasive, expensive medical testing and genital examinations or be kept from participating in the sport

SB 341 Fast Facts:

- Requires invasive genital exams of young girls suspected to be trans
- Encourages scrutiny and judgement of how young girls look
- Harms already hurting kids
- Punishes colleges for following NCAA guidelines

she loves. The bill would also prevent any intersex student from participating. Intersex people, who are estimated to make up between 1-2 percent of our population, may not have the stereotypic anatomy or genetic makeup associated with men and women.

3. This bill hurts already hurting kids.

Many trans youth already face an uphill battle in nearly every part of their lives. GLSEN has found that 75 percent of transgender youth feel unsafe at school, with 70 percent of those students avoiding bathrooms because they felt unsafe or uncomfortable. Nearly half of trans youth attempt suicide, and the trans community is increasingly the target of violence and harassment. According to the U.S. Trans Survey, 22 percent of trans women nationwide who were perceived as trans in school were harassed so badly they had to leave school because of it. Sports can be a powerful tool for fighting depression, building community, and cultivating lasting self-confidence.

4. This bill will hurt our colleges and universities.

It applies the same standard to school-sponsored tee-ball games as it does to high-level college sports. Universities like West Virginia University and Marshall University would be banned from hosting NCAA events because of this bill. States like North Carolina and Indiana have already lost millions of dollars in tournament, convention, concert, and tourism revenue after passing bills that target the LGBTQ community.

5. This bill is unnecessary. There are more than a dozen states with policies that allow transgender kids to participate in sports — and they're working. What we can't have is a policy that starts off by singling out and isolating transgender youth so they aren't allowed to play sports with the other kids in their school. Additionally, this bill applies to students in elementary school, before

the onset of puberty. This bill is an over-reaching policy that treats everyday youth sports like the Olympics. It would ban a 13-year-old transgender girl from playing on an intramural volleyball team with the other girls in her class.

6. All bodies are different. What counts as an advantage may shift dramatically depending on the sport. What is an advantage in one context may be a disadvantage in another. For example, factors such as height, weight, reaction time, and proportion of fast twitch muscle fibers all affect a participant's advantage depending on the sport. A woman on the volleyball team may be very tall, and yet few people would consider that to be an unfair competitive advantage in her sport. Similarly, a man on the swimming team may have a naturally high hemoglobin count enabling him to take in more oxygen, but he is not barred from swimming for that reason. Some cisgender women, like Olympic athlete Caster Semenya, naturally produce high levels of testosterone compared to other cisgender women.

7. This bill goes against science. After examining the full body of scientific research available, experts at the NCAA and the International Olympics Committee have allowed transgender athletes to participate in sporting events for many years. Since they have been allowed to participate, transgender athletes have not dominated any category of sport.

8. This bill is unlawful. Federal courts have already struck down laws similar to this bill, including most recently in Idaho. In the Fourth Circuit Court of Appeals, which governs West Virginia, the court ruled last year in *Grimm v. Gloucester Cty. Sch. Bd* that Title IX prohibits discrimination against transgender students when accessing single-sex spaces and activities. Passing this bill will open West Virginia up to years of costly litigation.