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## **Oppose HB 1612**

### **Laws based on unfounded fears, stereotypes, and ignorance about transgender people have no place in Virginia.**

HB 1612 (Marshall, R) would prohibit anyone from using a sex-segregated restroom on government property - including schools, state colleges and universities, state parks, the General Assembly Building and hundreds of other buildings unless the gender assigned to them at birth and recorded on their “original” birth certificate matches the sign on the restroom door.

**This bill is not about protecting privacy.** HB 1612 would force anyone to expose their genitals in order to prove they belonged in a public restroom. That is an unconscionable invasion of privacy, especially as applied to school children. HB 1612 would require anyone who wants to avoid harassment or an interaction with the police to carry a copy of their birth certificate on their person anywhere they may need to use a restroom on state property. This so-called Privacy Protection Act is about invading privacy, not protecting it.

**This bill will do the opposite of what it seeks to achieve.** If HB 1612 becomes law, a transgender man with female genitals will have to use the bathroom associated with the sex listed on his “original” birth certificate even if the certificate has been legally changed and reissued. He will then be forced to use women’s restrooms when he is on government property. This bill would make encountering men in women’s restrooms, and women in men’s restrooms, commonplace in the Commonwealth. And, because of the civil enforcement provision in the bill, each such encounter may result in a lawsuit against the government agency that owns or leases the facility in which the bathroom is located.

**This bill is a solution in search of a problem.** There is no evidence that transgender people undermine the safety or privacy of others in public restrooms. Virginians long have used restrooms alongside transgender people without knowing it, and without incident. Hundreds of school districts around the country allow transgender students to use facilities based on their gender identity, and these policies have not resulted in increased privacy complaints or acts of violence in restrooms.<sup>1</sup> There are already laws and school policies against disruptive and criminal behavior in restrooms. Allowing transgender people to use restrooms that match their gender identity will not change that.

**This bill invites discrimination against and harassment of transgender and gender non-conforming people.** HB 1612 is designed to out transgender people who otherwise look, act, and behave in accordance with their gender identity. The bill would result in profiling and harassment of not only transgender people, but anyone who does not look or act like a “normal” woman or man. Instead of improving safety, they would put transgender people and gender non-conforming people who are already vulnerable at greater risk of harassment and violence.<sup>2</sup> This is particularly true of the provision in the bill requiring schools to “out” to their parents those school children who ask to use a name that is “inconsistent” with their sex or ask to be treated as the opposite sex.

**At a time when there have been historic rates of violence against transgender people, this bill would put lives at risk and take Virginia in the wrong direction.**

<sup>1</sup> See School Administrators Amicus Brief at 16-21, *G.G. v. Gloucester County School Board*, Case No. 15-2056 (4<sup>th</sup> Cir. 2015), available at <https://www.aclu.org/legal-document/gg-v-gloucester-county-school-board-amicus-brief-school-administrators>.

<sup>2</sup> National Center for Transgender Equality & National Gay & Lesbian Task Force, *Injustice at Every Turn: A Report of the National Transgender Discrimination Survey* (2011),

[http://www.thetaskforce.org/static\\_html/downloads/reports/reports/ntds\\_full.pdf](http://www.thetaskforce.org/static_html/downloads/reports/reports/ntds_full.pdf)