



WISCONSIN LEGISLATURE

P.O. BOX 7882 • MADISON, WI 53707-7882

FOR IMMEDIATE RELEASE

December 13, 2023

Contact: Sen. Mark Spreitzer, 608-266-2253

Sen. Tim Carpenter, (608) 266-8535

Rep. Greta Neubauer, (608) 266-0634

Rep. Lee Snodgrass, (608) 266-3070

Rep. Marisabel Cabrera, (608) 237-9109

Wisconsin Legislative LGBTQ+ Caucus Testifies Against Bills Attacking Transgender and Nonbinary Youth

MADISON – Today, legislative Republicans in the State Senate held a public hearing on two bills that would harm transgender and nonbinary youth. The Wisconsin Legislative LGBTQ+ Caucus submitted the attached testimony in opposition to Senate Bill 377/Assembly Bill 378 and Senate Bill 378/Assembly Bill 377. The Legislative LGBTQ+ Caucus released the following statement:

“Today, the Senate Committee on Mental Health, Substance Abuse Prevention, Children and Families held a public hearing on two bills that prevent transgender students from participating in sports consistent with their gender identity. As we have reiterated over the past several months as the State Assembly has moved these bills through the legislative process, these bills will not become law in Wisconsin.

“Governor Tony Evers has clearly and emphatically promised that he will veto these bills if they reach his desk – both during the current legislative session and when they were first introduced during the 2021-2022 legislative session. Just last week, Governor Evers vetoed a different proposal (2023 Assembly Bill 465) attacking gender-affirming healthcare for transgender and nonbinary youth in Wisconsin. If these bills are passed by legislative Republicans, they too will be vetoed.

“Our Republican colleagues know that SB 377/AB 378 and SB 378/AB 377 will not become law. The only thing that their continued movement through the legislative process will do is hurt the mental health of transgender and nonbinary youth in Wisconsin.

“Today, we heard testimony from many Wisconsinites who shared why these bills are harmful and dangerous. We know that recent national surveys have shown that 86% of transgender and nonbinary youth reported negative impacts to their health from the introduction of anti-transgender bills, and nearly 1 in 3 LGBTQ+ young people stated that their mental health was poor “always” or “most of the time” due to anti-LGBTQ+ policies and legislation.

“We continue to call on our Republican colleagues to stop giving these bills an official platform and to not take any further action on them. The Wisconsin Legislative LGBTQ+ Caucus stands with transgender and nonbinary youth in Wisconsin. To the transgender and nonbinary people of our state: you are seen, you are loved, and you belong here.”

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To: Senate Committee on Mental Health, Substance Abuse Prevention, Children and Families

From: Senator Mark Spreitzer, Senator Tim Carpenter, Representative Greta Neubauer, and Representative Lee Snodgrass, Representative Marisabel Cabrera

RE: Senate Bill 377/Assembly Bill 378

Date: December 13, 2023

Chair James and committee members:

As the Wisconsin Legislative LGBTQ+ Caucus, we are submitting written testimony today in opposition to Senate Bill 377/Assembly Bill 378. We ask that our testimony be shared with all members of the committee, and be entered into the committee record for this bill.

This bill discriminates against transgender students in Wisconsin by denying transgender women the opportunity to participate in women's sports. All young people should have the opportunity to participate in school-sponsored athletics consistent with their gender identity.

Categorical exclusion of transgender women from participating in school sports alongside their peers is harmful because it singles out transgender youth and denies them the opportunities provided by organized sports and being part of a team. Studies have shown that participating in youth sports can lead to lifelong, positive impacts on a child's physical, mental, emotional, and social health. In addition to helping students stay fit and build physical activity into their lives, youth sports allow students to develop deep and lasting friendships with their peers. Athletes learn life skills such as empathy, leadership, perseverance, and teamwork that will help them throughout the rest of their lives. We know that access to youth sports is crucially important to every student's success.

This bill also likely violates federal law. In 2020, the U.S. Supreme Court ruled in *Bostock v. Clayton County* that federal bans on sex discrimination must be read to prohibit discrimination on the basis of gender identity. This means that where the federal government bans discrimination on the basis of sex, it also bans discrimination against transgender people. The U.S. Department of Education is currently engaged in federal rulemaking to make clear that categorical, one-size-fits-all restrictions on transgender students participating in organized school athletics violate Title IX of the Education Amendments of 1972.

Senate Bill 377/Assembly Bill 378 was previously introduced in the 2021-2022 legislative session as 2021 Assembly Bill 195. Last session, members of this committee heard hours of testimony from those who shared how this bill would discriminate against and stigmatize transgender and nonbinary college students in Wisconsin. Students, parents, teachers, coaches, and others shared last session – and will



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share again this session – how the introduction of this bill is harmful and ostracizing to members of the LGBTQ+ community.

Although this bill will not become law in our state, its reintroduction alone is harmful. Recent national surveys have shown that 86% of transgender and nonbinary youth reported negative impacts to their mental health from the introduction of anti-transgender bills, with nearly 1 in 3 LGBTQ+ young people stating that their mental health was poor “always” or “most of the time” due to anti-LGBTQ+ policies and legislation.

Senate Bill 377/Assembly Bill 378 would further stigmatize and isolate transgender youth, who are already vulnerable. A recent national survey by the Trevor Project found that half of transgender and nonbinary young people seriously considered attempting suicide in the past year, and a 2022 study in the Journal of Interpersonal Violence found that 86% of transgender youth reported suicidality with 56% reporting a previous suicide attempt. This bill will put the physical and mental health of transgender youth in Wisconsin at risk.

We ask that you not schedule Senate Bill 377/Assembly Bill 378 for a vote. If Senate Bill 377/AB 378 comes before you for a vote in this committee or on the Senate floor, we ask that you vote no. This bill is deeply harmful, unnecessary, and dangerous. We hope that you will join us in telling transgender and nonbinary youth in our state that they are seen, are loved, and that they belong here in Wisconsin.

Sincerely,

Mark Spreitzer
State Senator
15th Senate District

Tim Carpenter
State Senator
3rd Senate District

Greta Neubauer
State Representative
66th Assembly District

Lee Snodgrass
State Representative
57th Assembly District

Marisabel Cabrera
State Representative
9th Assembly District



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To: Senate Committee on Mental Health, Substance Abuse Prevention, Children and Families

From: Senator Mark Spreitzer, Senator Tim Carpenter, Representative Greta Neubauer, and Representative Lee Snodgrass, Representative Marisabel Cabrera

RE: Senate Bill 378/Assembly Bill 377

Date: December 13, 2023

Chair James and committee members:

As the Wisconsin Legislative LGBTQ+ Caucus, we are submitting written testimony today in opposition to Senate Bill 378/Assembly Bill 377. We ask that our testimony be shared with all members of the committee, and be entered into the committee record for this bill.

This bill discriminates against transgender students in Wisconsin by denying transgender girls the opportunity to participate in girls' sports. All young people should have the opportunity to participate in school-sponsored athletics consistent with their gender identity.

Categorical exclusion of transgender girls from participating in school sports alongside their peers is harmful because it singles out transgender youth and denies them the opportunities provided by organized sports and being part of a team. Studies have shown that participating in youth sports can lead to lifelong, positive impacts on a child's physical, mental, emotional, and social health. In addition to helping students stay fit and build physical activity into their lives, youth sports allow students to develop deep and lasting friendships with their peers. Athletes learn life skills such as empathy, leadership, perseverance, and teamwork that will help them throughout the rest of their lives. We know that access to youth sports is crucially important to every student's success.

Athletes across our state already compete under existing policies that ensure a level playing field for all students, and banning transgender girls from participating in sports consistent with their gender identity undermines those efforts. The Wisconsin Interscholastic Athletic Association (WIAA) already has policies related to the participation of transgender youth in sports, and is committed to ensuring that transgender youth have equal access to compete in sports.

This bill also likely violates federal law. In 2020, the U.S. Supreme Court ruled in *Bostock v. Clayton County* that federal bans on sex discrimination must be read to prohibit discrimination on the basis of gender identity. This means that where the federal government bans discrimination on the basis of sex, it also bans discrimination against transgender people. The U.S. Department of Education is currently engaged in federal rulemaking to make clear that categorical, one-size-fits-all restrictions on transgender students participating in organized school athletics violate Title IX of the Education Amendments of 1972.



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Senate Bill 378/Assembly Bill 377 was previously introduced in the 2021-2022 legislative session as 2021 Assembly Bill 196. Last session, members of this committee heard hours of testimony from those who shared how this bill would discriminate against and stigmatize kids in Wisconsin. Kids, parents, teachers, coaches, and others shared last session – and will share again this session – how the introduction of this bill is harmful and ostracizing to members of the LGBTQ+ community.

Although this bill will not become law in our state, its reintroduction alone is harmful. Recent national surveys have shown that 86% of transgender and nonbinary youth reported negative impacts to their mental health from the introduction of anti-transgender bills, with nearly 1 in 3 LGBTQ+ young people stating that their mental health was poor “always” or “most of the time” due to anti-LGBTQ+ policies and legislation.

Senate Bill 378/Assembly Bill 377 would further stigmatize and isolate transgender kids, who are already vulnerable. A recent national survey by the Trevor Project found that half of transgender and nonbinary young people seriously considered attempting suicide in the past year, and a 2022 study in the Journal of Interpersonal Violence found that 86% of transgender youth reported suicidality with 56% reporting a previous suicide attempt. This bill will put the physical and mental health of transgender youth in Wisconsin at risk.

We ask that you not schedule Senate Bill 378/Assembly Bill 377 for a vote. If Senate Bill 378/Assembly Bill 377 comes before you for a vote in this committee or on the Senate floor, we ask that you vote no. This bill is deeply harmful, unnecessary, and dangerous. We hope that you will join us in telling transgender and nonbinary youth in our state that they are seen, are loved, and that they belong here in Wisconsin.

Sincerely,

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