

Legislation Text

File #: 210427, **Version:** 0

Urging the Pennsylvania state legislature and Governor Tom Wolf to reject House Bill 972, intended to prohibit transgender athletes from participating in high school and/or collegiate sports according to their gender identity.

WHEREAS, On January 20, 2021, his first day in office, President Biden signed an Executive Order “Preventing and Combating Discrimination on the Basis of Gender Identity or Sexual Orientation.” The Executive Order allowed transgender children to play school sports according to their gender identity; and

WHEREAS, Title IX states, “No person . . . shall, on the basis of sex, . . . be subjected to discrimination under any education program or activity receiving Federal financial assistance”; and

WHEREAS, The United States Supreme Court in *Bostock v. Clayton* (2020), held that firing a transgender or gay person was discriminatory based on sex because they were not accepting of traits or characteristics that would be acceptable in a person of another sex; and

WHEREAS, Throughout our history, transgender Americans have been targeted by discriminatory legislation at all levels of government; and

WHEREAS, Concern over transgender athletes - based in biologically essentialist assumptions about the bodies of trans women and girls - has a long history, including a 2017 lawsuit where the Trump Administration joined an anti-trans legal group and cisgender girls who lost track events to two Black trans girls; and

WHEREAS, A report from *The New York Times* found that out of about 200,000 collegiate women athletes, roughly 50 are transgender; and

WHEREAS, In the 2021 legislative session, nearly 30 states have pending legislation excluding transgender youth from athletics, including in the Commonwealth of Pennsylvania. Almost all of this legislation is directly targeted at transgender girls and deliberately misgenders them; and

WHEREAS, Pennsylvania House Bill 972 would prohibit transgender children from participating in high school and/or collegiate sports according to their gender identity by requiring sport activities in public institutions of higher education and public school entities to be expressly designated male, female, or co-ed; and

WHEREAS, HB 972 follows the same discriminatory tropes, stating “Athletic teams or sports designated for females, women or girls...may not be open to students of the male sex.” Additionally, the designation of “co-ed” teams is an additional way to deliberately misgender transgender youth; and

WHEREAS, According to Associate Law Professor Catherine Jean Archibald in the University of Virginia School of Law’s *Virginia Journal of Social Policy & the Law*, “it is not necessary to maintain the gender binary in sports at all: if sports teams must be divided, they should be divided based on sex-neutral characteristics...”; and

WHEREAS, The American Medical Association has publicly denounced this legislation, stating, "...barring transgender females from participating in school-sponsored organized sports consistent with their gender identity frustrates the treatment of gender dysphoria by preventing transgender females from living openly in accordance with their true gender. This lack of treatment, in turn, increases the rate of negative mental health outcomes, substance abuse and suicide. In order for transgender females to live their lives fully in accordance with their gender identity, they must be able to publicly identify and compete as female athletes"; and

WHEREAS, Transgender children are at significantly higher risk for experiencing bullying and violence, with a 2017 CDC study finding that they are three times more likely to face harassment online, two to three times more likely to be bullied, and four times more likely to be threatened with violence or injured with a weapon; and

WHEREAS, Transgender and gender non-conforming children face a significantly higher risk of developing a mental health condition. A 2018 study in *Pediatrics* found these young people have a risk rate three to thirteen times higher than cisgender youth; and

WHEREAS, Transgender and gender non-conforming people also report significantly higher rates of attempting suicide. The 2015 U.S. Transgender Survey found that 40% of respondents had attempted suicide in their lifetimes - nearly nine times the rate in the general U.S. population; and

WHEREAS, Sports participation has many well-documented positive benefits, including better physical health, higher body esteem, lower likelihood of drug or alcohol use, significantly lower rates of suicide consideration, stronger social connections to schools and communities, and improved academic performance. Additional benefits include important lessons in teamwork, dedication, accomplishment; and

WHEREAS, This legislation will significantly harm transgender youth by locking them out of participating in a gender affirming activity that helps build character and promote health and wellness; now, therefore, be it

RESOLVED, BY THE COUNCIL OF THE CITY OF PHILADELPHIA, That we hereby urge the Pennsylvania state legislature and Governor Wolf to reject House Bill 972.