

Bill critics say initially aimed at transgender community approved in House committee

Joel Ebert, Nashville Tennessean Published 6:28 p.m. CT March 13, 2019 | Updated 6:36 p.m. CT March 13, 2019

A bill that members of the LGBTQ community say was initially aimed at [criminalizing the use of bathrooms for transgender people in Tennessee](#) was quickly approved in a House committee on Wednesday.

After 16 minutes of discussion, the House Criminal Justice Subcommittee advanced the controversial measure with a voice vote.

The proposal, [HB 1151](#), sponsored by Rep. John Ragan, R-Oak Ridge, seeks to enhance the punishment for any person who commits indecent exposure in bathrooms.

[The initially drafted bill](#) included language aimed at the transgender community, saying, "A medical, psychiatric, or psychological diagnosis of gender dysphoria, gender confusion, or similar conditions, in the absence of untreated mental conditions, such as schizophrenia, does not serve as a defense to the offense of indecent exposure."

But Ragan amended the bill on Wednesday to remove such language.

Chris Sanders, executive director of the Tennessee Equality Project, previously said initial version of the bill was "especially cruel."

Sanders said after reading the amended bill, the transgender community is not explicitly singled out.

While explaining his intentions behind the measure's introduction, Ragan cited a guidance issued by the Department of Education in the Obama administration related to gender identity.

Ragan noted when President Donald Trump took office, the guidance was rescinded. The bill sponsor said his legislation seeks to further add clarity.

But while attempting to provide such background, Ragan was abruptly cut off by Rep. Michael Curcio, R-Dickson, who said the information the sponsor was giving was unrelated to the bill.

"I just want to make sure we're on the bill as amended. It has absolutely nothing to do with what we're hearing about," Curcio said.

Argument over language

Ragan was allowed to continue, adding, "The bill ... is intended to do nothing more than to make very clear what a public place is."

He noted that the state's current indecent exposure laws do not include language related to public restrooms, locker rooms and dressing rooms, among other places.

As the committee deliberated, lawmakers tried to avoid making it seem as if the legislation was aimed at members of the transgender community.

Rep. Andrew Farmer, R-Sevierville, who chairs the committee, said Ragan's bill was simply trying to

provide additional specificity with the state's indecent exposure laws.

Rep. Antonio Parkinson, D-Memphis, rhetorically asked why such specifics were necessary while presenting a scenario that featured a man using the women's restroom if the other facility was already in use.

House Majority Leader William Lamberth, R-Portland, responded by saying the state's indecent exposure laws did not envision the use of public restrooms for transgender people.

"All it does is recognize that in today's world there may be individuals - and I'm trying to be careful of my words here - for whatever reason of, biologically one sex that are in a bathroom that may be marked for the opposite sex and that's not in the statute now," he said.

Lamberth noted that the measure was aimed at those who intentionally commit indecent exposure in public restrooms.

As Parkinson pressed the committee on whether they wanted to pass a bill that specifically defined public places, he said it could be an exhaustive list and would not be limited to restrooms.

"We don't have enough room and space in our law library to list every place. We didn't list this room," he said, referring to the committee room.

Farmer offered a curt response to Parkinson, saying, "Well the sponsors brought a bill and we're about to vote on it. If you disagree with it, vote no."

As Farmer finished his sentence, a committee member moved to end debate on the bill, which was followed by the panel ending for the day.

Protesters frustrated, disappointed by vote

A protester called Ragan a "Nazi" as he walked out of the room.

The quick action led some protesters in the room to express frustrations about their inability to speak out against the measure.

"I'm very disappointed in how this bill was passed," said Carol Bapty, who has a transgender son.

Bapty said although she had not yet seen the newly amended bill, Ragan's intentions were clear.

"Transgender people in general already are trying very hard to fit in and to pick them out this way is very damaging," she said.

Bapty said the committee's action on Wednesday seemed rushed.

Farmer said he was unaware of anyone who wanted to speak about Ragan's bill and denied the committee rushed through its deliberation on the measure.

Ragan's legislation will now head to the House Judiciary Committee, of which Curcio serves as chairman. The Senate version of the measure has yet to be taken up.