

Under West Virginia bills, exposing minors to transgender people could be a crime

The bills primarily target sexually explicit performances but would also ban schools from exposing students to any materials that include transgender people.

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By Jo Yurcaba

Two West Virginia bills aim to protect minors from obscene performances and materials, which the bills define, in part, as anything that includes exposure to or performances by transgender people.

The bills, introduced this week by state Sen. Michael Azinger, a Republican, would prohibit obscene and sexually explicit materials in or within 2,500 feet of the state's schools and would bar children from being present for obscene performances or displays.

The bills' four-point definition of "obscene matter" is, for the most part, general, and includes material that appeals to the "prurient interest" or that is "patently offensive." But the fourth part of the definition specifically defines "indecent displays of a sexually explicit nature," in part, as "any transvestite and/or transgender exposure, performances or display to any minor." No other group of people or specific type of performance is included.

School personnel who violate the school-related bill, [SB 252](#), could be charged with a misdemeanor, which can carry a fine of up to \$500 and/or up to one year in prison.

People who violate the bill regulating venues and performances, [SB 278](#), could face a misdemeanor, a fine of up to \$1,000 and/or jail time. Venues that allow minors to be present for performances that the bill defines as obscene or sexually explicit could face a public nuisance complaint.

Advocates in the state say the bills declare transgender people's existence as inherently sexual and harmful to children.

Andrew Schneider, the executive director of Fairness West Virginia, a statewide LGBTQ rights group, compared the bills to Florida's [Parental Rights in Education law](#) (dubbed the "Don't Say Gay" bill by critics), which prohibits classroom instruction on "sexual orientation or gender identity ... in kindergarten through grade 3 or in a manner that is not age appropriate or developmentally appropriate for students in accordance with state standards."

These bills, he said, "are like the 'Don't Say Gay,' but on steroids."

"They seem like they're about protecting kids from harm, but really it's a ploy to erase LGBTQ people from public life," Schneider said. "It's a scare tactic that we see all the time, but even scare tactics have a real impact on our community."

Jack Jarvis, the group's communications director, said they have heard from transgender people who work in the state's schools who fear that SB 252 would prohibit them from being in classrooms.

"They don't know if this means they're going to have to leave the state or leave their jobs, or if they're going to be thrown in jail just because they are trans around a young person," Jarvis said. "They're definitely scared, but they're willing to fight."

North Dakota Senate kills bill to ban, fine transgender pronoun use

The legislation from Sen. David Clemens would have required those affiliated with schools and other public entities to refer to people using pronouns that align with their “determined sex at birth.”

By Jeremy Turley
January 20, 2023 01:42 PM

BISMARCK — In a win for LGBTQ advocates, the North Dakota Senate defeated a bill that would have barred transgender residents from using pronouns that align with their gender identity at schools and other publicly funded entities.

The chamber voted 39-8 on Friday, Jan. 20, to reject [Senate Bill 2199](#) after a short debate.

The legislation sponsored by Sen. David Clemens, R-West Fargo, would have required those affiliated with schools and other entities receiving public funding to refer to people using pronouns and gendered terms that align with their “determined sex at birth, male or female.” Violators of the bill would have been fined \$1,500.

Conservative state lawmakers have shown an elevated interest in legislation targeting gender issues. About 10 bills filed in the budding legislation session would restrict health care, activities and personal expression for transgender residents.

Sen. Janne Myrdal, R-Edinburg, told her colleagues on Friday that the Judiciary Committee she serves on [voted not to back the bill earlier this week](#) because it was unenforceable and may have caused unintended consequences.

However, Myrdal noted that the committee’s thumbs-down vote on Clemens’ bill did not reflect the conservative majority’s convictions on gender issues and pronoun usage. She added that legislation still in the pipeline could allow lawmakers to tackle the issue.

In an unsuccessful push to convince the Senate to support his bill, Clemens said the legislation seeks to uphold truth on the matter of sex and gender.

“I know some will disagree, but I firmly believe that truth is male and female and nothing else,” Clemens said Friday.

More than a dozen LGBTQ advocates [assembled at the state Capitol on Wednesday](#) to condemn the proposal as harmful to the well-being of transgender North Dakotans. Other critics noted that the bill likely violates the U.S. Constitution’s right to free speech.

The bill drew 92 pieces of oppositional testimony, and only Clemens testified in favor of the proposal.

Katrina Jo Koesterman, president of advocacy group Tristate Transgender, said on Wednesday the bill “essentially erases transgender identity from the Century Code.” She said Friday she was glad the bill failed, noting that “it made no sense for North Dakota.”

But the Moorhead, Minnesota, resident added that the fight against anti-transgender legislation continues, and she urged lawmakers to defeat the remaining bills “for the good of the state.”

The House Human Services Committee will hold hearings on Tuesday, Jan. 24, for seven GOP-backed bills related to gender issues, including proposals to:

Ban and criminalize gender-affirming treatments and surgeries for transgender minors.

- Prohibit transgender girls and women from participating in K-12 and college sports with girls and women.
- Restrict transgender residents from using bathrooms that align with their gender identity.

How they voted:

YES: Clemens, Conley, Dwyer, D. Larsen, Magrum, Rust, Vedaa and Weston.

NO: Axtman, Barta, Beard, Bekkedahl, Boehm, Braunberger, Burckhard, Cleary, Davison, Dever, Elkin, Erbele, Estenson, Hogan, Hogue, Kannianen, Kessel, Klein, Krebsbach, Kreun, Larson, Lee, Lemm, Luick, Mathern, Meyer, Myrdal, Patten, Paulson, Piepkorn, J. Roers, K. Roers, Rummel, Schaible, Sickler, Sorvaag, Wanzek, Weber and Wobbema.

Utah Senate approves ban on transgender surgeries, cross-sex hormones for kids

3 bills aimed at transgender, LGBTQ children now head to Utah House

By Katie McKellar

Jan 20, 2023, 5:19pm EST

The full Utah Senate on Friday put its stamp of approval on a trio of bills directed at LGBTQ children — the third legislative action in just three days to propel the bills through the Utah Legislature’s 2023 session.

The Senate voted 21-7 to pass [SB16](#), the bill to ban sex reassignment surgeries and place a moratorium on puberty blockers and cross-sex hormones for minors. It now heads to the Utah House of Representatives.

The Senate also voted, mostly along party lines, to pass two other bills related to LGBTQ issues: [SB93](#), a bill to block changes to birth certificates for anyone under age 18, save for certain errors; and [SB100](#), a bill to require schools to allow parents to access their children’s education records or other information “regarding a student’s gender identity that does not conform with the student’s sex.”

“The scientific community has raised legitimate concerns about the long-term effect of surgeries and medications on our transgender youth,” Cox said in a prepared statement Friday. “Sen. (Mike) Kennedy’s bill to pause these procedures is a reasonable and thoughtful approach.”