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2314 Benson Mill Road
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Unfavorable HB 691 (SB 119)

Legally Protected Health Care - Gender-Affirming Treatment

Dear Chair Pena-Melnyk and HGO Committee Members,

I am Emily Tarsell, a mother, licensed therapist and founder of Health Choice Maryland. I ask for an Unfavorable vote for HB691 or at the very least, an exception for those under age 21.

Last year, HB283, the Gender Affirming Treatment Bill passed without age limits for these life altering and irreversible procedures on minors. This law allows any child or adolescent to have radical surgery or drug “treatment” to conform to some sex identity preference which may or may not be truly intrinsic to self realization down the road.

As a parent and a clinician who counseled many youth and adolescents, I believe it is our responsibility to protect children and adolescents from possible exploitation and self harm until they are mature enough to make informed choices. According to a 2010 Supreme Court decision, “Developments in psychology and brain science continue to show fundamental differences between juvenile and adult minds” [1] Established developmental stages and studies about “neuroplasticity” show that an individual's brain isn't fully formed until age 25. [2,3]

This bill would remove guardrails against possible exploitation of vulnerable minors who do not have the capacity to understand the implications of treatments and the law.

Under the umbrella of "legally protected health care" the bill would:

- A. restrict the use of state courts to support out-of-state proceedings seeking to impose civil or criminal liability for providers engaged in gender affirming care;
- B. prohibit adverse action by malpractice insurance providers, licensing boards, and others against health care professionals for participating in these types of care. [4]

This bill is all about **protecting the provider** from potential liability for draconian procedures with unknown long term consequences especially for minors.

{This bill if passed, would also set the stage for possible future scenarios in which a minor might consent to certain sexually related treatments or vaccinations like the HPV vaccine without parental consent or parental knowledge. Such treatments might be charged to the parents' health insurance service which would be prohibited from disclosing medical

information without authorization from the minor. These scenarios exist in California and were tried in Washington, D.C. where they met a legal challenge and defeat.)

I passionately urge you to veto this bill or at the very least carve out an exception for minors under 21 years of age.

Thank you.

Emily Tarsell, LCPC

References:

1. <https://www.supremecourt.gov/opinions/09pdf/08-7412.pdf>
2. Steinberg L. **New Science of Adolescence**. The author draws on science that suggests individuals have heightened “neuroplasticity” during this stage of life, where their brains are more malleable than in adulthood.
3. Steinberg, Laurence (12 June 2013). "The influence of neuroscience on US Supreme Court decisions about adolescents' criminal culpability". *Nature*. **14** (7): 5518. doi:10.1038/nrn3509. PMID23756633. S2CID12544303.
4. <https://www.networkforphl.org/wp-content/uploads/2024/01/ReproGenderAffirmingFactSheet-.pdf>