

OFFICE OF THE GOVERNOR
STATE OF MONTANA

GREG GIANFORTE
GOVERNOR



KRISTEN JURAS
LT. GOVERNOR

April 17, 2023

The Honorable Jason Ellsworth
President of the Senate
State Capitol
Helena, MT 59601

The Honorable Matt Regier
Speaker of the House
State Capitol
Helena, MT 59601

Dear President Ellsworth and Speaker Regier:

I share your profound commitment to protect Montana children from invasive medical treatments that can permanently alter their healthy, developing bodies, and I appreciate the Legislature's effort to that end with Senate Bill 99, the Youth Health Protection Act.

I've sat down and met with transgender youth and adults. I understand their struggles are real, and my heart goes out to them. I firmly believe that, as with all of God's children, Montanans who struggle with their gender identity deserve love, compassion, and respect.

As you know, Senate Bill 99 does not prohibit thoughtful, noninvasive care as a response to those who struggle with gender identity. Senate Bill 99 does not prohibit social affirmation. And Senate Bill 99 does not prohibit providing or accessing psychotherapy to treat young Montanans struggling with their gender identity.

Instead, Senate Bill 99 focuses on so-called gender affirming medical care for children. "Gender affirming care" for children is Orwellian Newspeak, a seemingly innocuous, even solicitous phrase that masks its true nature of permanent, invasive, life-altering medical and surgical procedures, performed on children whose young minds and bodies are still developing.

The science around puberty blockers, hormonal treatments, and sex-reassignment surgeries is unsettled and continues to evolve. Western and northern European countries, as well as many states, recognize this reality. Sex-reassignment surgery is not performed on individuals under the age of 18 in the United Kingdom, Belgium, Denmark, Finland, Luxembourg, and Sweden.

And yet, children as young as 12 years of age have received sex-reassignment surgery in the United States, and children as young as 8 years of age have been prescribed puberty blockers in the United States.

Given the unsettled, evolving science around invasive medical treatments for children struggling with gender identity, it is right and appropriate to protect young Montanans from these permanent, life-altering procedures.

I appreciate the Legislature's work to protect Montana children with Senate Bill 99, and I support the sponsor's efforts and intent. As currently written, I believe the legislation is incomplete and can be strengthened.

Therefore, in accordance with the power vested in me as Governor by the Constitution and the laws of the State of Montana, I hereby return with amendments Senate Bill 99: "AN ACT PROVIDING FOR A YOUTH HEALTH PROTECTION ACT; PROHIBITING CERTAIN MEDICAL AND SURGICAL TREATMENTS TO TREAT MINORS WITH GENDER DYSPHORIA; PROHIBITING PUBLIC FUNDS, PROGRAMS, PROPERTY, AND EMPLOYEES FROM BEING USED FOR THESE TREATMENTS; PROVIDING THAT A HEALTH CARE PROFESSIONAL WHO VIOLATES THIS LAW COMMITS PROFESSIONAL MISCONDUCT; PROVIDING A PRIVATE CAUSE OF ACTION; PROHIBITING DISCHARGE OF PROFESSIONAL LIABILITY VIA INSURANCE; AND PROVIDING DEFINITIONS."

As currently written, Senate Bill 99 provides an imprecise definition of "male" and "female." As currently written, the bill does not contemplate treatment for a child requiring a necessary medical procedure because he or she was born with a medically verifiable disorder of sex development. Finally, as currently written, the bill is unclear about public funding restrictions.

The amendments I offer ensure that the necessarily binary definitions of "male" and "female" encompass all members of the human race. For example, the addition of "would produce" makes clear that young children, who are still undergoing biological development, nevertheless fall within the definition of "male" or "female."

The amendments I offer recognize that biological or genetic conditions, including but not limited to the circumstances of menopause, being intersex, or a cancer diagnosis requiring surgical removal of reproductive organs, do not preclude an individual from still meeting the definition of "male" or "female."

Finally, the amendments I offer also ensure that the scope of public funding restrictions matches the prohibitions on not just "procedures," but on all medical treatments identified in Senate Bill 99. This ensures that the exceptions to the prohibitions apply with equal force to public funding and removes vagueness from the law as to its meaning and scope.

I thank the sponsor for his work on Senate Bill 99 and support of the amendments I offer.

For these reasons, I respectfully ask for your support of these amendments.

Senate Bill 99 protects Montana children from permanent, life-altering medical procedures until they are adults, mature enough to make such serious health decisions.

Sincerely,

A handwritten signature in blue ink, appearing to read "Greg Gianforte". The signature is stylized with a large "G" and "G" and a prominent "A".

Greg Gianforte
Governor

Enclosure

cc: Legislative Services Division
Christi Jacobsen, Secretary of State