



March 5, 2024

Senator Donna Bailey, Chair
Representative Anne Perry, Chair
Committee on Health Coverage, Insurance and Financial Services
100 State House Station
Augusta, Maine 04333

Re: *LD 227, An Act Regarding Health Care in the State - OTP*

Representative Perry, Senator Bailey, and Honorable Members of the Committee:

Good afternoon. I am Attorney Polly Crozier from GLBTQ Legal Advocates & Defenders, and we strongly support LD 227, *An Act Regarding Health Care in the State*. We thank Representative Perry and Senator Bailey for bringing forth this timely bill that protects Maine providers of essential reproductive and transgender health care.

Access to medically necessary, bestpractice-based health care is central to the well-being of all people and communities. We appreciate the hard work of Maine health care providers to care for people across the state, through many and ongoing challenges, to keep the people of Maine healthy.

Maine has a deep commitment to fairness and equality for all people, including ratification of a ballot measure in 2005 to include transgender people in our nondiscrimination laws, protection of transgender people from the dangerous practice of conversion therapy in 2019, and recognition that transgender people are vital parts of our families and communities, including regarding state identification and forms, name changes, and addressing healthcare needs. A State of thriving people, including our transgender community members, is a shared and worthy goal.¹

Through LD 227, Maine would act to protect Maine providers from the threats posed by the cruel and harmful actions in other states to restrict, both civilly and criminally, access to essential health care for transgender people and to reproductive health care. State bans on transgender health care passed at an alarming rate in 2023, and now over 20 states ban access to this standard of care treatment.²

LD 227 signals that our state will use its resources (1) to ensure that **individuals**, not the government, are the ones making decisions about their own healthcare and well-being and (2) to ensure that Maine providers are **shielded** as much as possible from efforts to restrict or criminalize vital health care with an overwhelming evidentiary basis.

¹ Me. Rev. Stat. tit. 5, §§ 4571, 4581, 4591, 4595, 4601.

² Movement Advancement Project, *Equality Maps: Bans on Best Practice Medical Care for Transgender Youth*, https://www.lgbtmap.org/equality-maps/healthcare_youth_medical_care_bans (last visited March 4, 2024).

The goals of this bill are especially important at this time when transgender people and their families are facing unprecedented attacks in other states, most concerningly bans on medical care. For example, Alabama enacted a law³ that makes it a **felony** with a possible ten-year prison sentence for a provider, parent, or anyone who assists a young person in accessing medically necessary transgender-related health care services. As of this writing, **23 states have banned access to gender-affirming care**, including Alabama, Arizona, Arkansas, Florida, Georgia, Idaho, Iowa, Indiana, Kentucky, Louisiana, Mississippi, Missouri, Montana, North Carolina, Nebraska, North Dakota, Ohio, Oklahoma, South Dakota, Tennessee, Texas, Utah, and West Virginia.⁴ These restrictions on health care for minors signal an alarming effort on behalf of states to intrude into the rights of parents to make decisions about the health care needs of their children as recommended by providers. Furthermore, this year we are seeing an increase on restrictions for health care for transgender adults as well.⁵ The rate of attacks and limitations on on transgender people, their families, and their providers has increased tremendously.

In light of the dire situation many face – whether adults suddenly confronted with obstacles to care or parents facing the prospect of their children losing the care that has helped them thrive – other states are acting to protect their residents and health care systems so that people can get the effective and sometimes life-saving care they need. Currently, seventeen states and Washington, DC have enacted “shield laws” to protect access to health care, and the patients and providers involved. Of those, fourteen states include explicit protections for gender-affirming health care including Vermont, Colorado, California, Massachusetts, Minnesota, New Mexico, New York, Washington, Connecticut, Illinois, Oregon, Arizona, Maryland, and New Jersey.⁶

It is important for Maine to enact a shield bill to protect providers, patients, and access to health care here. GLAD attaches a section by section summary of LD 227 that provides an overview of the legislation. In addition to including provisions from Governor Mills’ Executive Order relating to reproductive health care,⁷ the bill’s key highlights include the following provisions:

- Maine court and law enforcement resources will not be used to extend state bans on transgender health and reproductive health care into Maine and inflict civil and criminal liabilities on Maine health care providers;
- Maine health care providers do not have to disclose private health information of their patients in response to efforts of other states to enforce bans on health care that is legal in Maine
- Maine providers should not be subjected to rate increases or changes in malpractice insurance coverage on the basis of providing gender-affirming health care and shall be protected from discipline and other adverse consequences for their Maine license to practice for providing gender-affirming health care

³ Ala. Code §§ 26-26-1 – 26-26-9. GLAD is currently challenging this ban, as well as the Floridan gender-affirming health care bans.

⁴ Movement Advancement Project, *supra* n.2.

⁵ <https://www.axios.com/2024/01/10/trans-care-adults-red-states>.

⁶ Movement Advancement Project, *Equality Maps: Transgender Healthcare “Shield” Laws*, https://www.lgbtmap.org/equality-maps/healthcare/trans_shield_laws (last visited March 4, 2024).

⁷ Me. Exec. Order No. 4 FY 21/22 (July 5, 2022), available at https://www.maine.gov/governor/mills/official_documents/executive-orders/2022-07-executive-order-4-order-protecting-access-reproductive

- Protection for the full range of providers – including doctors, physician assistants, nurses, social workers and so forth – who are involved in providing interdisciplinary and individualized gender-affirming health care
- Establish a cause of action in Maine to shield providers from hostile litigation in ban states for providing health care in Maine
- Include Maine providers in the address confidentiality program given that gender-affirming health care providers are increasingly facing violence and threats from extremists for providing standard of care medicine

The importance of action in this moment cannot be overstated. Attacks on this evidence-based care provided with fidelity to standards of care seeks to undermine essential health care for those who need it and drive health care providers from Maine. Providers who feel protected by the law and values of Maine are able to put down roots and provide the health care they are trained to provide and which our communities need to thrive. We seek to keep our health care systems strong and serving people throughout the State. We hope that the Committee will vote ought to pass on this bill. Please do not hesitate to contact either of us for additional information.

Sincerely yours,
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