



# OPPOSE LD 227

## THE FACTS: MAINE SHOULD PROTECT CHILDREN AND RESPECT PARENTS' RIGHTS

### What the bill does:

1. Provides a **legal right under the law for kids** to undergo gender transition services – with or without parental permission.
2. Strips parents of their rights by **making it illegal for anyone to “interfere”** with the provision of “gender affirming care.”
3. **Opens the door to traffickers, kidnappers and sexual predators**, giving them more rights than a parent if a child is taken in the name of “gender affirming care.”

### Reasons to oppose LD 227:

**This bill will harm kids and families.** Giving kids puberty blockers, cross-sex hormones and even transgender surgery violates the first duty of Medicine: do no harm. More detailed information about the science behind these treatments can be found [HERE](#).

**This bill supersedes parents' rights by not allowing them to “interfere” if their child seeks gender transition services.** If a kid is not old enough to get a tattoo, go to a tanning salon or buy cough syrup over the counter, why would we permit them to make their own decisions regarding life altering hormones and drastic surgeries?

**This policy is unconstitutional.** States have a constitutional obligation to assist other states in law enforcement matters and parents have rights to guide and care for their children. This bill ignores that duty and is likely illegal as a result.

**This bill would make Maine one of the most radical sanctuary state for gender surgeries not approved by parents.** Maine will join the ranks of California, Oregon, Washington and Minnesota as one of the leading states in the country where adults other than parents can coach kids into gender transition surgeries. It will make Maine a so-called “sanctuary state” for kids (and the adults helping them) who are seeking gender transition services without the permission of the parents.

**Opens the door to traffickers, kidnappers, and sexual predators.** The appears to allow anyone to remove a child from the care of their parents in order to facilitate gender transition surgery, and no court in Maine can do anything about it. This could easily extend to inappropriate adult-child relationships where a non-parent adult is grooming or trafficking the child, and it will provide legal cover for the adult in those instances.

**This bill would make Maine a sanctuary state for activist and criminal abortion and gender transition providers,** by encouraging and supporting providers that break the law in other states.

## Detailed Explanation:

**LD 227 makes both “gender-affirming health care services” and “reproductive health care services” a “legal” right,** and interference with this right “whether or not under the color of law” is against state policy.

1. Both gender-affirming health care service and reproductive health care services are very broadly defined.
2. For example, under LD 1735, “gender-affirming health care” was limited to “medically necessary health care” which at least implies that a doctor has concluded it is necessary. LD 227 abandons that limitation. Because it covers “all supplies, care, and services” including services of a “supportive nature” related to gender dysphoria or incongruence. You don’t have to prove medical necessity under this definition. Not only would it cover drugs, surgeries, and mental health services, it could even cover things like chest binders or prosthetics to create the appearance of male anatomy.
3. Likewise, under LD 227, reproductive health care services includes “all supplies, care, and services” including those of a “supportive nature” related to pregnancy, assisted reproductive, and abortion. So not only is anything touching abortion now covered, but all forms of IVF, surrogacy (including paid surrogacy) and anything else necessary to assist with reproduction could be covered by this bill.
4. All of this is now a “legal right” and no one, including private citizens, can interfere with this right.
5. As a result, the state could be required to fully pay for all of these services; a Catholic hospital could be required to provide these services; a religious organization could be required to cover them in their insurance and give employees time off to obtain them.
6. It could be used to undermine parental decision-making on these services. If a child in Maine has a “legal right” to these services and no one can “interfere” with them, then this bill could be misused to argue that that parents are prohibited from saying no to their child receiving them.

**LD 227 would allow lawsuits in Maine courts against a person who files “hostile litigation”** which is litigation in another state that would deter a person from obtaining gender identity/abortion services or from helping another person obtain those services.

1. For example, if parents in Georgia filed a lawsuit to stop an aunt from transporting a child to Maine for gender identity/abortion services, LD 227 would allow the aunt to sue the parents and seek punitive damages against the parents. This is an unprecedented new cause of action.
2. But it goes even further because it includes lawsuits that “deter” a person from engaging in gender identity/abortion services. So if a detransitioner sues a hospital system for performing a gender transition procedure on the minor, and that hospital system has locations in Maine, the lawsuit against the hospital system could “deter” its Maine locations from performing these procedures. As a result, someone in Maine could sue the detransitioner for engaging in “hostile litigation.”

**LD 227 prohibits Maine courts from enforcing a judgement from another state related to gender identity/abortion services.** So if Georgia issued a judgment against an aunt from trafficking a child to Maine to obtain an abortion or gender transition surgery, Maine courts would refuse to enforce that.

1. The bill would prohibit a state court from even requiring the aunt to give testimony in the trafficking case or from issuing any subpoena or warrant against the aunt.
2. And even if the aunt was found guilty of violating a criminal law in Georgia related to the gender identity/abortion services, Maine would be prohibited from surrender the aunt to the state where she was convicted of the crime. So now Maine becomes a state that harbors criminals who violated the criminal laws of other states that prohibited vulnerable individuals from gender identity/abortion services.

**The bill would prohibit a hospital from taking “adverse action” against a doctor or nurse that participates in gender identity/abortion services.** Because there is no religious exception, it would mean that a Catholic healthcare organization or pro-life pregnancy center could be punished for disciplining an employee who participates in one of these morally objectionable services.