

Testimony of Andrew R. Seeber, PhD; Bill 35-0395

Good day, my name is Dr. Andrew Seeber, I am an Assistant Professor of Sociology, serve on the board for St. Croix Pride, and I am transgender and nonbinary. I am speaking today with respect to bill 35-0395, with accompanying proposed amendment to VIC T16 §182. I will start with my recommendations regarding §191, subsections b through d; followed by recommendations and a clarifying question for §192, subsections a and b; and finally, a clarifying question and recommendation in relation to the proposed amendment to VIC T16 §182.

With regards to §191, subsection b, I recommend removing the requirement for a statement from a healthcare provider. Currently there are 21 states plus the District of Columbia do not require provider certification of treatmentⁱ. Additionally, the U.S. Passport agencyⁱⁱ and Social Security Administrationⁱⁱⁱ require only a self-declaration form. A similar self-declaration form could be submitted with the petition instead.

A medical requirement creates undue burden for those petitioning for gender marker change specifically in the U.S. Virgin Islands. There are currently no known providers who will begin someone on hormone treatment. If someone presents already on hormone treatment, they may be able to locate a provider who will maintain their current treatment regimen, but anyone wishing to begin treatment would have to seek treatment outside of the territory. There are also no surgeons who perform gender-affirming surgeries within the territory and anyone wishing to undergo surgery would have to seek surgery outside of the territory. The territory has also been declared in a state of emergency regarding mental health treatment due to a lack of qualified

providers, making access to such providers and any statement from same difficult as well. In addition to the already considerable costs for such treatments, the need to travel for such treatment, in some cases for an extended period of time, makes such treatment inaccessible to many who would wish to petition for gender marker change. Given the increasingly hostile environment for gender-affirming health care throughout much of the United States, accessibility will can be anticipated to get worse. Beyond issues related to accessibility and cost, there are also many transgender and nonbinary identified individuals who do not wish to pursue medical transitions and should not be barred from petitioning for gender marker change for this reason.

If the recommended removal of the medical requirement is adopted, §191, subsections c and d are no longer needed. Additionally, §192, subsection a would need to strike “accompanying medical statement.”

I am unclear what the intent of §192, subsection b is and would like some clarification. Is “authenticity” related to the medical statement or other concerns? Would removing the medical statement requirement resolve the need for this subsection as well?

Also unclear from §192 and the proposed accompanying amendment to §182, would the petition for gender marker change require a period of public notice? The accompanying amendment recommends allowing for a waiver of public notice as well as sealing of the record of name change. If the intent is that public notice will also apply to the petition for gender marker change, I recommend such notice be waived and the records sealed. Whether part of the gender marker change process or not, should a petition for gender marker change be made in conjunction with a name change, that

public notice be waived as well as the records sealed automatically by default rather than determined on a case-by-case basis. As the accompanying amendment seems to suggest, public notice of a name change of a gendered nature, and certainly of a gender marker change, put the petitioner at risk for violence and discrimination. Again, given an increasingly hostile environment for transgender and other gender non-conforming persons, I anticipate heightened need for such a waiver and sealing of records.

I thank you for your time and attention to this much needed legislation and for the opportunity to address the body.

Sincerely,

A handwritten signature in black ink, appearing to read 'Andrew R. Seeber', with a stylized flourish at the end.

Andrew R. Seeber, PhD

ⁱ Movement Advancement Project. "Equality maps: Identity document laws and policies." https://www.mapresearch.org/equality-maps/identity_document_laws. Retrieved November 11, 2024.

ⁱⁱ U.S. Department of State. 2024. "Selecting your gender marker." *U.S. Department of State—Bureau of Consular Affairs*, April 19. Retrieved July 31, 2024 <https://travel.state.gov/content/travel/en/passports/need-passport/selecting-your-gender-marker.html>

ⁱⁱⁱ Social Security Administration. 2022. "How do I change the sex identification on my Social Security record?" *Social Security*, October 25. Retrieved July 31, 2024 <https://faq.ssa.gov/en-us/Topic/article/KA-01453>