

Testimony of PFLAG – St. Thomas to the Senate Committee on Homeland Security, Justice and Public Safety

Bill No. 35-0395 Gender Marker Changes

Good Day Esteemed Members of this Committee,

It is an honor to be able to testify on behalf of PFLAG – St. Thomas and for the people who will be using the processes laid out in this legislation. As the first and largest LGBTQ+ organization in the country, it is imperative now more than ever that we advocate for this legislation.

There are two areas we would like to address with Gender Markers, namely those of medical provider certifications/medical procedure requirements and publication/notice requirements. As there are fifty states, one federal district, and five territories, there are roughly fifty six different ways of approaching this topic in the realm of American law. We advocate for legislation that would save on costs for participants and provide a more flexible approach.

The first component is the medical requirement. The proposed addition of Chapter 8, Section 191(b) states that a healthcare provider must evaluate the individual and find that they have had either surgical alteration, hormonal supplementation, or other treatment. This requirement might seem beneficial facially, but it is a faulty premise for a few reasons. To begin with, the act of determining one's gender is made independently of the administration of surgery, hormones, or psychiatric care. It is a deeply personal decision that should be left up to the person making the decision. Additionally, a medical requirement represents an extra stumbling block if the person does not have adequate health insurance or access to quality healthcare. There are not many, if any doctors that offer these services on island. By making this a requirement, the VI government is signaling that they want to place themselves in a camp consisting of just nine states and two territories. If they dispense with this requirement, they will find themselves in league with DC and twenty one states. Therefore, we advocate that the Senate drop the medical provider requirement and any surgical, hormonal, or alternative treatment requirement from all applications and processes.

The second component is the publication or notice requirement. It is unclear from the reading of the Bill whether the notice requirements of Title 16, Chapter 7, Section 182 are to be followed. Assuming that they are to be followed in addition to the requirements of Title 16, Chapter 7, Section 181, then we implore this Committee to drop that requirement for individuals looking to change their gender markers and name. Requiring publication of a name change for a transgender individual is asking that person to advertise that they are a target. Further, the publication requirement imposes a financial burden on the applicant seeking to change their name, as the publication must be paid for. It is for these reasons that we ask this Senate Committee to dispense with the publication requirement of Section 182 for individuals attempting to change their gender markers and name. Doing so will bring us in line with twenty five other states, Puerto Rico, and DC. Requiring publication will keep us in the minority of just nine states and three other territories.

We would like to acknowledge the amendment put forward addressing publication as well. This approach is currently followed sixteen states and is a much appreciated response to the realities of publication.

Finally, we have one more suggestion. The revisions suggested for V.I. Code Tit. 20, § 373 do not define what a gender marker is. We would therefore suggest that V.I. Code tit. 20, § 372b be amended to include the following:

(c) The term “Gender Marker” shall mean the chosen gender of the individual applying under this statute. Selections can include “M,” “F,” and “X.” “M” shall mean male, “F” shall mean female, and “X” shall mean non-binary.

Inserting this into the code would bring the USVI in line with many jurisdictions around the world, such as India, Germany, Brazil, and Australia, as well as twenty-two states and D.C.

We would again like to thank this Senate Committee for inviting me to testify on behalf of PFLAG – St. Thomas and on behalf of the individuals who will use this process. We are incredibly appreciative of the Governor for proposing this legislation, of AARP for lobbying for this legislation, and of the Senators of the USVI for considering this legislation. We look forward to learning of your decisions.

Sincerely,

The Board of PFLAG – St. Thomas