



CPC Policy Backgrounder

HB 30 Transgender Bathrooms and Locker Rooms (2023)

HB 30 would require public school students to use locker rooms, bathrooms, and shower rooms that correspond with their biological sex. There have been many objections to laws like this and here are some responses to these objections.

Objection 1: Laws like this make transgender kids targets of bullying

This objection lacks concrete evidence. The study used to support this claim comes from the Gay, Lesbian, and Straight Education Network (GLSEN). The issue with this study is that it is based on the feelings of transgender students, not concrete examples of violence. “Over three quarters (76 percent) of transgender students felt unsafe at school because of their gender...”¹ The issue with this study is it’s using subjective feelings to make objective claims. Just because someone feels unsafe, doesn’t mean they are unsafe.

Objection 2: Bathroom Bills are a violation of Title IX

Title IX deals with sex discrimination,² not gender discrimination. According to gender ideology, sex and gender are two different categories.³ So then, it would be a category mistake to say Title IX speaks to gender expression or gender identity since sex and gender are 2 separate categories. Instead, allowing people to use a facility that doesn’t correspond with their sex would be a violation of Title IX. People who use facilities labeled male and female have a right to assume everyone in those facilities is the same sex as them.

Objection 3: Bills like this tell LGBTQ youth they aren’t welcome in Kentucky

This bill says nothing about forbidding LGBTQ youth from expressing themselves in Kentucky. It also says nothing about forbidding them from coming to Kentucky. The bill recognizes biology as a relevant category for understanding humanity and social protections relevant to biological sex. Nobody can change their biological sex, therefore, nobody should use facilities for people of the opposite sex. However, this bill allows for accommodations to be made for LGBTQ students to use single-stall bathrooms or faculty facilities.

Objection 4: Bills like this can lead to a public health crisis

The Gay Lesbian and Straight Education Network (GLSEN) made this objection in an article.⁴ They claim that preventing trans kids from using their preferred facilities will result in “higher levels of depression and lower self-esteem.”⁵ They assume affirming children’s gender identities is the best way to treat their gender dysphoria, but that’s wrong. States allowing gender transition

have higher rates of suicide and depression.⁶ Therefore, to claim that bathroom bills themselves are the cause of depression is unfounded.

Objection 5: “Once again, members of the Kentucky General Assembly are prioritizing attacks on transgender kids rather than the real issues facing our commonwealth.”

This objection is from Chris Hartman, leader of the Fairness Campaign, when he said, “Once again, members of the Kentucky General Assembly are prioritizing attacks on transgender kids rather than the real issues facing our commonwealth.”⁷ This bathroom policy is a real issue facing our commonwealth. At an Oklahoma high school, a boy who identifies as a girl went into the girl’s bathroom to assault a girl. The punch was so strong the girl was unable to fight back. He also overwhelmed her friends who came to her aid.⁸ A high school girl was sexually assaulted by a boy claiming to be transgendered in Loudoun County Virginia high school.⁹ Even at the University of Kentucky, Riley Gaines reported seeing Lia Thomas’ genitalia as he dropped his pants in the girl’s locker room.¹⁰ Protecting our children from this kind of exposure is a “real issue” in our commonwealth.

¹ <https://www.glsen.org/blog/4-big-problems-anti-trans-bathroom-bills-and-how-you-can-help>

² https://www2.ed.gov/about/offices/list/ocr/docs/tix_dis.html

³ <https://www.plannedparenthood.org/learn/gender-identity/sex-gender-identity>

⁴ <https://www.glsen.org/blog/4-big-problems-anti-trans-bathroom-bills-and-how-you-can-help>

⁵ Ibid.

⁶ <https://www.heritage.org/gender/report/puberty-blockers-cross-sex-hormones-and-youth-suicide>

⁷ <https://www.courier-journal.com/story/news/politics/2022/11/04/anti-trans-bathroom-birth-certificate-bills-pushed-by-kentucky-lawmaker/69619292007/>

⁸ <https://www.foxnews.com/media/oklahoma-transgender-student-charged-assaulting-female-high-school-classmates-bathroom>

⁹ <https://news.yahoo.com/judge-rules-loudoun-county-teen-131413442.html>

¹⁰ <https://www.dailymail.co.uk/news/article-11731777/Trans-swimmer-Lia-Thomas-dropped-pants-exposed-male-genitalia-womens-locker-room.html>