

# HOUSE BILL REPORT

## ESSB 5599

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### As Passed House - Amended:

April 12, 2023

**Title:** An act relating to supporting youth and young adults seeking protected health care services.

**Brief Description:** Supporting youth and young adults seeking protected health care services.

**Sponsors:** Senate Committee on Human Services (originally sponsored by Senators Liias, Wilson, C., Dhingra, Lovelett, Nguyen and Randall).

### Brief History:

#### Committee Activity:

Human Services, Youth, & Early Learning: 3/22/23, 3/24/23 [DPA].

#### Floor Activity:

Passed House: 4/12/23, 57-39.

### Brief Summary of Engrossed Substitute Bill (As Amended by House)

- Expands the compelling reasons for a youth shelter or other similar organization not to notify a parent following the child's entry to the shelter or organization when a minor child is seeking or receiving gender affirming treatment and reproductive health care services.
- Allows host homes to host a youth seeking or receiving gender affirming treatment or reproductive health care services without receiving parental permission.
- Establishes requirements for host home programs that serve youth without parental authorization seeking or receiving "protected health care services" to notify the Department of Children, Youth, and Families and provide certain case management.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.*

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## HOUSE COMMITTEE ON HUMAN SERVICES, YOUTH, & EARLY LEARNING

**Majority Report:** Do pass as amended. Signed by 7 members: Representatives Senn, Chair; Cortes, Vice Chair; Taylor, Vice Chair; Callan, Goodman, Ortiz-Self and Rule.

**Minority Report:** Do not pass. Signed by 4 members: Representatives Eslick, Ranking Minority Member; Couture, Assistant Ranking Minority Member; Dent and Walsh.

**Staff:** Luke Wickham (786-7146).

### **Background:**

#### *Licensed Overnight Youth Shelters.*

When a youth first enters an overnight shelter, the facility must:

- determine whether the youth's parents are aware of the whereabouts of the youth;
- follow parental notification procedures (provided below); and
- notify law enforcement or the Department of Children, Youth, and Families (DCYF) of any youth age 12 or younger who is unaccompanied by an adult and requesting services.

If an overnight youth shelter or licensed organization providing services for runaway or homeless youth learns that a youth staying in its facility does not have parental permission, the facility must:

- notify the parent by telephone or other reasonable means unless compelling reasons exist within 72 hours, preferably within 24 hours;
- notify the DCYF if compelling reasons exist not to notify a parent including concerns of abuse or neglect; and
- review the publicly available information on missing youth made available by the Washington State Patrol at least every eight hours while the youth is present.

Compelling reasons not to notify a parent include, but are not limited to, circumstances that indicate that notifying the parent or legal guardian will subject the minor to abuse or neglect.

#### *Host Home.*

A host home is defined as a private home that volunteers to host youth in need of temporary placement that is associated with a host home program.

To qualify for exemption from licensure, host home programs must:

- recruit and screen potential homes in the program, including performing background checks on the individuals living in the home who are over age 18;
- screen and provide case management to youth in the program;
- obtain a notarized permission slip or limited power of attorney from the parent or legal guardian of the youth authorizing the youth to participate in the program;

- obtain insurance;
- provide mandatory reporter and confidentiality training; and
- register as a nonprofit organization with the Office of the Secretary of State.

Any host home program that receives government funding must report certain information to the Office of Homeless Youth Prevention and Protection Programs.

*Gender Affirming Treatment.*

Gender affirming treatment is defined in law to mean a service or product that a health care provider prescribes to an individual to support and affirm the individual's gender identity that includes, but is not limited to, treatment for gender dysphoria.

*Reproductive Health Care Services.*

Reproductive health care services are defined in state law to mean any medical services or treatments, including pharmaceutical and preventative care service or treatments, directly involved in the reproductive system and its processes, functions, and organs involved in reproduction, in all stages of life. Reproductive health care services do not include infertility treatment.

**Summary of Amended Bill:**

The compelling reasons for a youth shelter or other similar organization not to notify a parent when the shelter or organization knows the child is away from a lawfully prescribed home without parental permission are expanded to include when a minor child is seeking or receiving gender affirming treatment and reproductive health care services.

The Department of Children, Youth, and Families (DCYF) must do the following after receiving a report from an overnight youth shelter or other licensed organization that provides services to homeless youth that a minor child who is seeking or receiving gender-affirming treatment or reproductive health care services is being served by the shelter or organization without parental permission:

- offer to make referrals on behalf of the minor for appropriate behavioral health services; and
- offer services designed to resolve the conflict and accomplish a reunification of the family.

An exception is created to the requirement that a host home program obtain a notarized permission slip or limited power of attorney from a parent or legal guardian of the youth authorizing the youth to participate in the program with authorization updated every six months when the youth is seeking or receiving gender affirming treatment or reproductive health care services.

A host home program that serves a youth without parental authorization seeking or receiving "protected health care services" must do the following:

- report to the DCYF within 72 hours of the youth's participation in the program and following this report the DCYF must make a good faith attempt to notify the parent of this report and offer services designed to resolve the conflict and accomplish a reunification of the family;
- report to the DCYF of the youth's participation in the host home program at least once every month when the youth remains in the host home longer than one month; and
- provide case management outside of the host home and away from any individuals residing in the home at least once per month.

Host homes may provide care for a youth who is receiving services from the department if the youth is:

- not subject to a dependency proceeding; and
- seeking or receiving protected health care services.

The Office of Homeless Youth (OHY) must contract with an outside entity to gather data regarding the number of unsheltered homeless youth under age 18 in the state and develop recommendations for supporting these youth. The OHY is required to submit the information and recommendations to the Legislature by July 1, 2024.

**Appropriation:** None.

**Fiscal Note:** Available. New fiscal note requested on April 17, 2023.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

**Staff Summary of Public Testimony:**

(In support) Children need the support of their family and community. For too many children, their family and community are not supportive environments. Young people who aren't able to access gender-affirming care are subject to many risks. This bill allows a shelter. This will begin a journey that will allow the child to return to their family of origin.

The best environment for children is to be supported by their parents and their loving community. Unfortunately, for too many youth in our state, that family environment is not a safe place for them.

There are unfortunately significant numbers of transgender (trans) youth who are unsheltered and in some cases, living in unsheltered homelessness across Washington. These conditions are incredibly dangerous for young people. Young people who are not able to access gender-affirming care are at significant risk of a whole host of health care challenges, including but not limited to, self harm and suicide. When family is not a safe place for young people, there should be a safe place for them to access the care that they

need.

The purpose of this bill is to allow our licensed shelters to connect young people to the services that are essential to their well-being when they encounter a young person who can't be at home and is in unsafe conditions and to hopefully begin that journey of reconciliation back to their care network so that they can achieve success.

There are estimates that as many as 40 percent of homeless youth identify as LGBTQ+ and that as many as 30,000 trans youth live in Washington.

Youth in this circumstance may be seeking all kinds of housing arrangements. Puberty blockers save the lives of some young people.

This bill does nothing to change the laws related to medical consent.

This bill is about creating a safe opportunity and possibility for young people to connect with medical and mental health care providers who provide a standard of care and treatment that has been found safe and effective by every major medical body, including the American Academy of Pediatrics and the American Medical Association.

Far too many young trans people in this state have been bullied, discriminated against in schools, and pushed to the margins of society. This bill won't solve all of those issues, but will give those people a fighting chance.

Not every child has a supportive family that gives them the care they need. When queer and trans youth are in shelters it is not because they come from a supportive family, it is because their parents issue an ultimatum to be the gender their parents want them to be.

About 10 percent of trans people report being physically assaulted by a family member after coming out.

Sixteen percent of LGBTQ+ youth report living in unsheltered environments; many said they were kicked out or abandoned due to their LGBTQ+ identity.

This bill provides a safe place so that these youth are not returned to violence or forced onto the streets as a long-term living arrangement is identified, such as host homes.

Kids are already showing up in youth homeless shelters now because of discriminatory bans on gender-affirming care and reproductive health care in other states. Some of these youth have supportive families, but these families worry they may be persecuted in their home state if they support their child's gender-affirming or reproductive health care.

The reality is that not every house environment is a safe space.

LGBTQ+ people are overrepresented in the homeless community.

This bill actively prevents trans suicide. If even one family member uses a person's chosen pronoun, their chance of suicide drastically decreases.

Accessing protected health care services can be challenging for any young person, but can be particularly difficult for homeless children and children in unsupportive households.

Host homes originated as a response to supporting the needs of LGBTQ+ youth.

Families and young people are moving to Washington based on persecution in their home states for doing nothing more than supporting their children. We should help these families whether they need help relocating or if they do not have housing. This bill is about providing long-term supportive housing through a host home model. This bill is about helping children access LGBTQ+ services.

Many trans youth do not have affirming, loving homes.

What we are witnessing from other states and in Congress is an extreme agenda legislating surveillance, censorship, and an invasion of privacy. There is a politicized ideology targeting trans children and families, and trans youth and their families are being forced to become political refugees by their own state governments.

Trans people are a protected class in Washington and this bill advances that protection.

Accessing gender-affirming care has been proven to lower rates of adverse mental health outcomes, build self-esteem, and improve overall quality of life for trans and gender-diverse youth.

Transgender young people will benefit from this bill based on their access to gender-affirming care. This bill has nothing to do with surgery or private parts. Gender-affirming care can be allowing a young person to use a different name, determine the length of their hair, or choose their clothes. This treatment is completely reversible.

Every medical association has endorsed gender-affirming treatment. Trans kids should get to grow up and be exactly who they want to be.

(Opposed) This bill is a disturbing government overreach and abuse of power. This bill attempts to usurp parental rights and that is not okay.

A parent's job is to protect their children from the outside world. This bill seeks to strip children from that protection.

Taking puberty blockers and sex hormones has dangerous and lasting effects on our bodies. One of the lasting effects of the use of testosterone on a young female body is to weaken the

vaginal walls.

This bill keeps minors away from the people who care about their well-being more than anyone else, their parents.

Medical transition does not prevent suicide. Many people who transition report that the initial euphoria caused by transitional medical treatment is short-lived and a recent study found that those who have genital surgery are 19 times more likely to commit suicide.

This bill would divide families by giving troubled teens an easy out to have the state shelter them without parental consent just by uttering a few words.

A recent law allows children 13 and older to receive gender-affirming treatments in Washington. These treatments are being significantly restricted by European countries such as the United Kingdom, Finland, Sweden, and Norway. American medical associations still support these treatments because they are very profitable.

Under this bill, parents could lose custody of their children immediately without due process or legal recourse if a child of any age claims a trans identity and their parent will not approve of hormones or surgeries for the child. Parents may be desperately searching for these children.

It is unclear what would happen with this bill if one parent wants to consent to their 13-year-old's double mastectomy and the other parent is against it.

There shouldn't be a situation where a parent is not notified about the location of a child when the parent has not harmed them. A parent should never be told that they don't have a right to know where their child is.

There is already a foster care system in place for children who have experienced abuse or neglect.

The state should not drive a wedge between children and their parents.

The claim that children know their gender identity or require medical treatment goes against medical evidence.

Minors need to have parents as a guardrail to ensure that their children don't go into a ditch or go careening off the road.

If there are compelling reasons not to call a parent, law enforcement should be notified. The state has proven itself to be a bad parent.

It is shocking that 13 is the age of consent for transgender treatment. There is a chicken and

egg problem here where kids see others who are transgender and then profess to be transgender. Children can't get facial tattoos or smoke, but can get all kinds of surgery and everything else. Many children grow out of claiming they are transgender before they turn 18. This feels like an Orwellian dystopia where the state is going to take your kids.

Many children want to be professional athletes as a kid and parents don't affirm those goals.

Minor children cannot consent to these treatments.

Under this bill a minor is able to disappear from their guardian if they are receiving protected health care services. This bill legalizes the kidnapping of minors. This segregates us from the union and destroys our future.

Every claim supporting this bill is based on academic papers that have been extensively and thoroughly refuted.

European entities have questioned the use of medical interventions to treat gender dysphoria and have recommended psycho-social interventions. Before rushing in to allow children medical interventions without parental notification, we should wait for the evidence on these interventions.

Cutting parents out of the equation doesn't make any sense.

Gender treatments and surgeries amount to big business.

This bill removes the constitutional requirement of due process and replaces it with the term "compelling reason." If abuse is occurring, the existing emancipation process may be used.

Gender-affirming care includes genital mutilation and castration. The United Kingdom, Norway, and Sweden have stopped all gender-affirming surgeries. This will open up the taxpayers to lawsuits when children change their mind about a body-altering surgery.

Children's brains are still developing until age 24 or 25.

Minors are not mature enough to make decisions about gender-affirming care. This bill would turn children over to families that would support the gender-supporting treatment industry. If a child believes they are a mermaid, we don't sew their legs together. These treatments create irreversible effects on people. This bill invites runaway kids to come to Washington where they will be vulnerable to trafficking.

**Persons Testifying:** (In support) Senator Marko Liias, prime sponsor; Danni Askini and Jessica McHegg, Gender Justice League; Melissa Auclair; Sara Kukonnen, Planned Parenthood Greater Northwest; Rebekah Gardea, QLaw Foundation of Washington ; Jonathan Frochtwajg, Cascade AIDS Project; Megan Veith, Building Changes; Jarel



Sanders, Equal Rights Washington; Lisa Keating, My Purple Umbrella; Ray Dechant; and Jaxtyn Osborn.

(Opposed) Julie Barrett, Conservative Ladies of Washington; Gabriel Jacobs; Linnea Comstock; Joshua Hardwick; Christian Nelson; Eric Pratt, I, America; Margaret Lee; Dawn Land; Team (Theresa) Freedom (Scherling); Sharon Damoff; Angela Dabb; Beth Daranciang; Sean Swope; Sarah Garriott; Gabriel Jacobs; Jason Setzer; Jeffrey Denison; and Elizabeth VanSteertegem.

**Persons Signed In To Testify But Not Testifying:** Bruce Monell; Bill Eldridge; Amanda McKinney, Yakima County; Lauren Armstrong; Alex Chrostowski, Gays Against Groomers; Lorilee Gates; Jessica Rice; Theresa Schrempp; Dave White, Climate Change Truth Inc.; Christy Frazier; Dawn Seaver; Suzanne Rohne; Leah Anaya, Washington Moms For America; and Lucky Nicacio.