



HB 4088

OPPOSE UNLESS AMENDED

OUR MISSION

To restore, protect, and advance the rights of women and girls through legal argument, policy advocacy, and public education

OUR VISION

Total liberation of women and girls from all forms of sex-based oppressions, including gender identity, male violence, commercial sexual exploitation, and reproductive coercion

Women's Liberation Front OPPOSES UNLESS AMENDED HB 4088, a bill that prohibits any inquiry into legally protected reproductive health care or "gender affirming care," as well as protecting midwives from revocation of their licenses for the sole reason of administering reproductive health care or "gender affirming care" to their clients, and makes sex marker changes on public documents confidential unless the petitioner formally moves to allow that disclosure to the public.

Women's Liberation Front is a national nonpartisan 501(c)(3) nonprofit that works to restore, defend and advance the rights of girls and women. While we staunchly support the right to reproductive sovereignty, we are opposed to the advancement of "gender affirming care" on the grounds that "gender identity" is based on sex stereotypes and the harms of "gender affirming care" greatly outweigh any assumed benefits, especially among same-sex attracted women who are seeking the solace of conformity in a society that discriminates against women for being lesbians and bisexual.

Concerning HB 4088 specifically, while we believe women have a right to privacy concerning her access to reproductive health care, it is unhelpful to women to prevent any inquiry into data concerning all that encompasses "reproductive health care" in Oregon law. As outlined in HB 4088 an officer, employee, or agent of a body may not assist in an inquiry for information regarding "reproductive or gender affirming health care" by a federal agent, law enforcement agency, private citizen, or quasi-law enforcement agency. Under ORS 24.500 subsection c, reproductive health care includes family planning and contraception, pregnancy termination services, prenatal, postnatal and delivery care, miscarriage management, fertility care, sterilization services, treatments for sexually transmitted infections and reproductive cancers and any other health care and medical services related to reproductive health.¹ This means that data necessary for researching the needs of women regarding reproductive health care cannot be assessed and Oregon will not be able to provide adequate reproductive care to women under this overbroad provision.

The prevention of inquiry regarding "gender affirming care" is equally unhelpful to the state of Oregon. Without anyone being able to access information regarding these procedures, there is no way to track the successes, complications, or failures



which will endanger those who participate in “gender affirming care” and prevent anyone considering these treatments from being able to give informed consent.

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Concerning HB 4088’s provisions to prevent the public from knowing when someone’s changes their name and sex identifier on documents to reflect their “gender identity,” this provision and preexisting code under Section 12 of ORS 33.460² allows a violent offender to hide his identity from the public and do so legally under the protection of the state. Despite the Matter of Jondle, 317 Or App 303, 506 P3d 480 (2022) which set the precedent that the Oregon courts may deny a petitioner the right to legally change their name if it does not serve the interest of the public,³ the petitioner’s status as a convicted or incarcerated individual alone is *not enough* to conclude that denial of name and sex change on identifying documents is within the public’s interest. Judges may exercise arbitrary judgement of this matter, especially in light of conflicting studies that may lead them erroneous conclusions.

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For example, though one Oregon study found that 1.3% rearrests were for sex crimes,⁴ the study does not make clear if reoffenders were previously convicted of the same category of crimes or how many offenses were committed under one arrest, so Oregon’s data on reoffenders is ambiguous though it is still used to suggest a low likelihood of sex offenders reoffending. Further, the rate of victims coming forward to report sex crimes is incredibly low, so the fact no one was arrested for committing a sexual offense is not conclusive evidence on whether someone reoffended. As more conflicting evidence, the Bureau of Justice Statistics found that two-thirds (67%) of released sex offenders were rearrested for another crime compared to non-sex offenders.⁵ Sex offenders were also more likely to be arrested for rape and sexual assault than other types of offenders. 5% of released sex offenders who were previously arrested for rape and sexual assault were responsible for 16% of rape and sexual assault arrests during a 9 year follow-up.⁵ If not taken as a whole, any reasonable person would be misled into thinking someone who was previously arrested for a sex crime is no longer a concern to the community and make a decision based on incomplete information and without weighing other factors that skew data and do not portray an accurate probability of reoffending.

Lastly, HB 4088 provides that no midwife under their intended job description should be performing anything akin to “gender affirming treatment” under Oregon’s definition of such under ORS 24.500 subsection a. Revocation of a license pertaining to “gender affirming treatment” alone should qualify, as a podiatrist is not necessarily a qualified neurologist who can provide or prescribe care relating to the brain or nervous systems and visa-versa.



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Women's Liberation Front recommends to the state of Oregon that it specifies the request for inquiry does not include data collection for the sake of statistics and research so that the state can better accommodate the needs of women and girls, trends may be properly addressed, and informed consent may be assured. We recommend the removal of provisions relating to the confidentiality of a name and sex change to the public. We also recommend removing anything related to "gender affirming care" from protections relating to midwifery.

Women's Liberation Front OPPOSES UNLESS AMEND HB 4088. We strongly urge the Oregon general assembly to take these concerns seriously and make necessary changes to ensure that women and girls have the data needed to be properly cared for and be able to make informed choices in their private health care.

Sincerely,

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¹ ORS 24.500 - Certain laws of other states contrary to public policy.
https://oregon.public.law/statutes/ors_24.500

² ORS 33.460 – Jurisdiction. https://oregon.public.law/statutes/ors_33.460

³ In the Matter of the Change of Name of Andrew Thomas Jondle. No. 60 pp. 303-318. (Court of Appeals of the State of Oregon. February 22, 2022.)
<https://law.justia.com/cases/oregon/court-of-appeals/2022/a174303.html>

⁴ Schmidt, M. Oregon Recidivism Analysis. Criminal Justice Commission State of Oregon. May 2018. <https://www.oregon.gov/cjc/SAC/Documents/May2018RecidivismReport-Final.pdf>

⁵ Alper M, Durose MR. Recidivism of Sex Offenders Released from State Prison: A 9-Year Follow-Up (2005-14). Bureau of Justice Statistics. May 2019.
<https://bjs.ojp.gov/library/publications/recidivism-sex-offenders-released-state-prison-9-year-follow-2005-14>