

**February 13, 2023; 1:30 pm**  
House Committee on Education  
Rep. Adam Thomas, Chair

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**HB2238** – Creating the "fairness in women's sports" act to require that female student athletic teams only include members who are biologically female.

**Opponent, Written Only**

Chair Thomas and Members of the Committee,

Thank you for the opportunity to provide Opponent testimony on HB2238.

My name is Colby Bruner and I'm a non-binary and queer licensed marriage and family therapist in Kansas. Additionally, I will have completed my requirements for clinical licensure later this spring. In addition to my master's in Marriage and Family Therapy from Friends University, I also hold a graduate certificate in Gender, Women's and Sexuality Studies from Kansas State University and 17 graduate credits towards a Masters in English Literature- Cultural Studies. My scholarship and research primarily focus on queer relationships and the impact of societal shame on identity formation and functioning, especially as it relates to/influences suicidal ideation and self-harm. I'm an active member of the American Association for Marriage and Family Therapy and I also own KC Character Development, LLC which is a private practice based out of Overland Park serving the needs of the queer community across the state of Kansas. Many of my clients experience societal discrimination on the basis of their sexuality, gender identity, race/ethnicity, socioeconomic status, etc. and will be directly harmed by your vote to approve this discriminatory legislation today.

Before you make your decision to approve this discriminatory legislation, I want you to set aside your preconceived notions about the queer and transgender community. I also ask that before you make such a big decision— which will have dramatic and severe consequences on my community— have you ever sat down with a queer or trans person and asked about their lived experience? Have you actually paused and listened to our stories and seen us as actual human beings?

As a queer therapist, I can tell you that these stories are powerful and deserve the respect to be heard. My community deserves to be seen and our needs taken into consideration.

This proposed legislation to vilify young trans people has already and will continue to cause harm in my community and on the individuals, whose stories I hold most dear.

The queer and trans community already experience higher rates of identity-related shame and are often at a much higher risk of experiencing bullying/discrimination, navigating suicidal ideation and instances of self-harm. These aren't qualities inherent to our identities; but rather, these are directly related to how our friends, families, peers, coworkers, politicians, and others in our society treat us. Policies and laws like these only reinforce that we should be ashamed of who we are.

This proposed legislation on excluding trans girls from participating in competitive sporting is based on your own anxiety about our identities and your anxiety about anyone different than you. It is based on skewed misinformation about transwomen in sports; in fact, when one trans athlete does well in sports, it's blown way out of proportion in order to justify your own anxieties and narratives about who we are as people. The way politicians and others talk about trans athletes assumes that hormone replacement therapy somehow gives us superpowers in sports. This is just not true.

I'll let others speak to the evidence that proves that transwomen and men aren't inherently better at sports; to be honest, sporting events and information are not in my scope. But let's at least be honest here, this isn't actually about sports. This is about societal anxiety for anyone who isn't white, cisgender, and straight. What I would like to provide testimony on, today, is the impact of discriminatory legislation on mental health.

Suicidal Ideation within the queer community is often directly tied to identity-related shame. For anyone not familiar with the difference between shame and guilt: Shame says, "I am bad." Guilt says, "I did something bad." Shame is about who we are at our core, whereas guilt is action-based. Suicidal Ideation is rarely based in guilt. When we look at identity-related shame, specifically, we find stories of discrimination, bullying, and rejection. We find stories where people have been told that who they are at their core is wrong; these parts of ourselves that we have no control of nor the ability to change make us wrong. This is only reinforced by the legislation before you today.

Louis Althusser, a literary theorist, identified five ideological state apparatuses (ISAs): educational institutions, media outlets, the family, churches, and social/sports clubs. This is important to consider as we look at how we learn to believe what we believe; how ideology is formed. These five ISAs also influence how we feel about ourselves. In other words, we absorb information and learn what to believe through those five pathways. Your beliefs, attitudes, and ideology is formed based on your geopolitical and social location. For instance, going to a Southern Baptist Church would be a very different experience than if you were raised going to a Jewish Temple. What and how you hear others talk about "right" versus "wrong" becomes very different. It changes how your brain is wired and how you treat others.

Another example that matters here is what school you go to— whether that's a private school in Johnson County with affluent funding or if it's a poorly-funded, crowded public school in Kansas City, Kansas— influences what you learn and how you learn it. For instance, if you go to a poorly funded school, the education you receive may not be as good as a student going to

school in an affluent part of the state. If you go to school in a red state, the attitudes and beliefs of your teachers would be vastly different from a school district in a blue state. You may learn different things and different perspectives about the same topics. The ideology and sense of ethics you form through your social location within these five ISAs has a direct impact on how you treat others who are different from you. The legislation before you today will have a direct impact on all five of these ISAs because you have the power to influence the attitudes of the members within each of those. If passed, it will reinforce the idea that queer and trans people are “wrong.”

Let's look specifically at educational institutions, sports clubs, and the family for instance. If you were to approve this legislation, you are directly influencing how teachers, coaches, students, student athletes, and family members feel towards the transgender and queer people in their lives. There is power in your decision today. If the idea that we should be ashamed for being trans or queer is reinforced today, it will have ripple effects on how others treat us. It wouldn't be a stretch to assume that this legislation could result in increased levels of bullying, violence, rejecting behaviors, and discriminatory actions of cisgender and straight people against my community.

Why is this important, though? Because when we experience rejecting behaviors, there is a direct correlation to increased levels of shame. Think of it as an emotional hot potato. You don't want to deal with your own anxiety or discomfort, so you toss it to us to hold and internalize (often through physical and emotional violence/abuse). When there are increased levels of shame and fewer points of access to connection— where we can actually challenge shame by building inclusive environments— rates of suicidal behavior and ideation increase. It also increases levels of depression and anxiety.

My heart breaks when I think about the queer and transgender people on my caseload and how they will be negatively impacted by this legislation. My clients have experienced such adversity and who work so incredibly hard each day to just stay alive, to talk back to their suicidal thoughts. I'm terrified that they'll experience this legislation and its ripple-effects and lose all hope, giving into those thoughts and ending their lives.

Kansas is one of the few states in the Midwest which my clients have had the peace of mind that they'll retain their basic human rights; and for many of them, it's the small sliver of hope that keeps them alive.

When we're thinking about transgender youth, many arguments are made out of fear and discrimination. But research on transgender health goes back to 1930 when Lili Elbe was the first transwoman to undergo gender affirming surgery. Specialized healthcare for trans youth began in the 1980s. We have plenty of research to support that transgender people, when granted access to affirming spaces and access to affirming healthcare, experience lower rates of suicidal ideation, depression, and anxiety; most of the time, access to these spaces and treatments lower acute mental illness to similar levels of our cisgender and straight peers.

All of the research shows that our identities aren't the problem. The problem is found in how others treat us. That is what I want you to consider today.

In order to begin actually making a difference in our community, we need to prioritize the mental health of every individual within said community. One way to do this is by creating safer and more affirming spaces for queer and trans youth. Rather than excluding them from communities such as sports clubs, we should be embracing them and including them. All of the research shows that when individuals are not forced to isolate, but instead are granted access to a supportive and affirming community, levels of suicidal ideation, depression, and anxiety decrease. This proposed legislation will make it that much harder for queer and trans youth to find and access spaces which could save their lives. I want you to ask yourself: what is more important? Who wins a trophy at the end of a sportsketball match or whose life will be saved by granting access to safe and affirming spaces?

I want to thank you for giving me the space to voice my expertise and for pausing your preconceived notions to see and hear me as an equal human being. As a therapist, the mental health of the queer community is of utmost importance to me. My community experiences higher levels of depression, anxiety, and suicidal ideation which are not inherent to our identities; instead, these are directly influenced by legislation like the one in front of you today. Your actions today will directly influence the opinions, ideologies, and attitudes of the cisgender and straight people in our lives, which will influence how they treat us. If you validate their anxieties about our identities, we will continue to see increased rates of depression, anxiety, suicidal behavior and completed suicides. Please take a moment to reflect on the power your vote has and think about the transgender youth whose lives you could save by voting no today. Because, if you pass this legislation, their deaths will be on your hands and that is something you should feel guilt for. Again, thank you for your time and consideration.