

RÉSUMÉ DIGEST

HB 466

2023 Regular Session

Horton

Proposed law would have prohibited a public school teacher, employee, or other presenter at a school from doing any of the following in grades kindergarten through 12:

- (1) Incorporating into classroom instruction or discussion topics of sexual orientation or gender identity in a manner that deviated from state content standards or curricula developed or approved by the public school governing authority.
- (2) Covering the topics of sexual orientation or gender identity during any extracurricular activity.
- (3) Discussing his personal sexual orientation or gender identity.

Proposed law would have prohibited a public school employee from using a pronoun for a student that differed from the pronouns that aligned with the student's sex unless the student's parent provided written permission.

Proposed law would have prohibited requiring a public school employee or student to use pronouns for any person that differed from the pronouns that aligned with the sex indicated on that person's birth certificate if doing so was contrary to the teacher, school employee, or student's sincerely held religious beliefs or if doing so violated specified statutory rights under present law. Proposed law would have required employees to use either a student's name, a derivative thereof, or another name authorized by the student's parent.

(Proposed to add R.S. 17:412)

VETO MESSAGE:

"Please be advised that I have vetoed House Bill 466 of the Regular Session of 2023.

House Bill 466 aims to prohibit teachers, school employees, or other school presenters from engaging in discussions regarding sexual orientation and gender identity. This bill unfairly places vulnerable children at the front lines of a vicious culture war. Further, the language would lead to absurd consequences. As passed, the mere mention of one's spouse who happens to be the same gender could cause the school employee or presenter to run afoul of the law without ill intentions and educators would be prohibited from teaching United States Supreme Court jurisprudence (see *Obergefell v. Hodges*) as well as from the Bible, which was just authorized as a course of instruction (see the Book of Leviticus).

The bill is also unduly harsh as it allows students, teachers, and others serving students to totally disregard a student's autonomy by forcing the student to answer to pronouns that they do not wish to use. Every parent would have to provide written permission to the school to allow or direct the employee to use pronouns differing from pronouns used in accordance with the child's gender assigned at birth. This forced rejection of self-identity is particularly cruel to a child and this cruelty may adversely affect the child in their formative years.

On Tuesday of this week, the Journal of the American Medical Association published the results of a Danish study conducted over forty years on nearly seven million people, which concluded that transgender people attempt suicide at 7.7 times the rate of the rest of the population, with 3.5 times the rate of suicide deaths. Transgender children require our compassion and our help, no matter our differences. We may not always understand each other, but we cannot ignore our fellow citizens' basic humanity. It is the duty of our schools to create an environment that fosters and supports all of the children of our state, to help them succeed academically and professionally. As I stated in response to another unnecessary and harmful bill from a previous session, "the real harm of this bill is that it would set as the policy of the State of Louisiana that there is something wrong with these children and that they should be treated differently from whom they really are. All of us are sons and daughters of this great state, and we should do and be better than that."

The effects of this bill may be to simply give legislative blessing for sanctioned bullying of LGBTQ children in schools under the guise of religious freedom. Should the same

constitutional protections for adults not be available to school children? While there is an attempt to provide safeguards for a student who may have a pronoun that a school employee refuses to use for religious and moral reasons, the bill falls painfully short of actually protecting children.

I believe this legislation is rooted in discrimination fueled by ignorance and hatred. But even considering the argument for religious freedom, the drafting of this bill is so flawed and leaves the reader with so many questions that enactment of this bill would prove unworkable, burdensome, cruel, and likely unconstitutional.

Accordingly, House Bill 466 will not become law."