

Be It Enacted by the Legislature of the State of _____ :

Section 1. Definitions.

As used in this chapter, the term:

“Sex” means the classification of a person as either male or female based on the organization of the human body of such person for a specific reproductive role, as indicated by the person’s sex chromosomes, naturally occurring sex hormones, and internal and external genitalia present at birth.

“Sex-reassignment prescriptions or procedures” means: 1. The prescription or administration of puberty blockers for the purpose of attempting to stop or delay normal puberty in order to affirm a person’s perception of his or her sex if that perception is inconsistent with the person’s sex as defined herein; 2. The prescription or administration of hormones or hormone antagonists to affirm a person’s perception of his or her sex if that perception is inconsistent with the person’s sex as defined herein; 3. Any medical procedure, including a surgical procedure, to affirm a person’s perception of his or her sex if that perception is inconsistent with the person’s sex as defined herein. The term does not include treatment provided by a physician who, in his or her good faith clinical judgment, performs procedures upon or provides therapies to a minor born with a medically verifiable genetic disorder of sexual development, including any of the following: a. External biological sex characteristics that are unresolvably ambiguous; b. A disorder of sexual development in which the physician has determined through genetic or biochemical testing that the patient does not have a normal sex chromosome structure, sex steroid hormone production, or sex steroid hormone action for a male or female, as applicable; or, Prescriptions or procedures to treat an infection, an injury, a disease, or a disorder that has been caused or exacerbated by the performance of any sex-reassignment prescription or procedure, regardless of whether the latter was performed in accordance with state or federal law.

Section 2. Sex-reassignment prescriptions and procedures; prohibitions; informed consent.

(1) Sex-reassignment prescriptions and procedures are prohibited for patients younger than 18 years of age except that the Board of Medicine and the Board of Osteopathic Medicine shall, within 60 days after the effective date of this act, adopt emergency rules pertaining to standards of practice under which a patient younger than 18 years of age may continue to be treated by prescription only if such treatment for sex reassignment was commenced before, and is still active on, the effective date of this act. In developing rules under this paragraph, the boards shall consider requirements for physicians to obtain informed consent from such patient’s parent or legal guardian, and shall consider the provision of professional counseling services for such patient by a board-certified psychiatrist in conjunction with such prescription treatment.

(2) If sex-reassignment prescriptions or procedures are prescribed for or administered or performed on patients 18 years of age or older, consent must be voluntary, informed, and in writing on forms adopted in rule by the Board of Medicine and the Board of Osteopathic

Medicine. Consent to sex-reassignment prescriptions or procedures is voluntary and informed only if the physician who is to prescribe or administer the pharmaceutical product or perform the procedure has, at a minimum, while physically present in the same room: (a) Informed the patient of the nature and risks of the prescription or procedure in order for the patient to make a prudent decision; (b) Provided the informed consent form, as adopted by the Board of Medicine and the Board of Osteopathic Medicine, to the patient; and (c) Received the patient's written acknowledgment, before the prescription or procedure is prescribed, administered, or performed, that the information required to be provided under this subsection has been provided.

(3) Sex-reassignment prescriptions or procedures may not be prescribed, administered, or performed except by a physician.

(4) Violation of this section constitutes grounds for disciplinary action by the licensing board.

(5) Any health care practitioner who willfully or actively participates in a violation of this Section commits a felony. The department of licensing services shall issue an emergency order suspending the license of any health care practitioner who is arrested for committing or attempting, soliciting, or conspiring to commit a violation of any provision of this Section.

Section 3. Civil liability for provision of sex-reassignment prescriptions or procedures to minors.

(1) A cause of action exists to recover damages for personal injury or death resulting from the provision of sex reassignment prescriptions or procedures to a person younger than 18 years of age, which are prohibited

(2) An action brought under this section:

(a) May be commenced within 20 years after the cessation or completion of the sex-reassignment prescription or procedure.

(b) Is in addition to any other remedy authorized by law.

Section 4. If any provision of this act or its application to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of this act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

Section 5. This act shall take effect upon becoming a law.