

TRANSCRIPTION OF AUDIO RECORDING

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Stenographically Transcribed Audio Recording By:
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1 Whereupon, the following proceedings were
2 transcribed from an audio recording:

3 PRESIDENT PASSIDOMO: Read the message and
4 the amendment on CS/SB 254.

5 THE SECRETARY: The Honorable Kathleen
6 Passidomo, President.

7 I'm directed to inform the Senate that the
8 House of Representatives has passed committee
9 substitute for Senate Bill 254 with one amendment
10 and requests a concurrence of the Senate amendment
11 barcode 256341.

12 PRESIDENT PASSIDOMO: The senator of the
13 4th District, Senator Yarborough, you are recognized
14 for an explanation.

15 SENATOR YARBOROUGH: Thank you, Madam
16 President.

17 Two weeks ago the House took up the Senate
18 bill and adopted an amendment that to a large degree
19 replaces the Senate bill's contents with that of its
20 House companion bill, with a few exceptions.

21 The title of the bill -- it maintains the
22 Senate title of "An Act Relating to Treatments for Sex
23 Reassignment" while replacing the Senate bill's use of
24 the term "sex-reassignment prescriptions or
25 procedures" with the House bill's "gender clinical

1 interventions" throughout the amendment.

2 With regard to the definition of treatments,
3 it inserts the House bill's definition of the
4 treatments which differs substantively from the
5 Senate definition in that the House language does not
6 exclude from the definition health care services that
7 are provided due to imminent danger of death or
8 impairment.

9 With regard to public expenditures, it makes
10 one change in that section, changes -- where we had
11 "state funds" in the Senate version, it replaces that
12 with simply "funds."

13 Related to birth certificates, it inserts
14 the House bill's provisions relating to birth
15 certificates which the Senate bill did not include.

16 It removes the sections we had related
17 to facility and office attestations.

18 On treatments for children, the House
19 amendment differs by providing the prescription
20 treatment for a minor may continue solely for the
21 purpose of gradual discontinuation only if the
22 treatment began before January 1 of this year, the
23 minor continuously received such treatment through
24 July 1 of this year, and the treatment is concluded
25 no later than December 31 of this year.

1 With regard to the physician's physical
2 presence, whereas we had in the Senate version that
3 only for a new prescription that the physician would
4 have to be physically present in the same room, the
5 House version put each time the physician provides the
6 treatments.

7 For financial responsibility, it inserts the
8 House bill's requirement, which is not in the Senate
9 bill, for physicians who provide the treatment for
10 adults to obtain and maintain financial responsibility,
11 in the form of professional liability coverage,
12 to pay claims and costs arising out of the rendering
13 of such treatments.

14 With regard to the misdemeanor penalty, it
15 partially adopted the Senate bill's creation of a
16 first-degree misdemeanor for a health care
17 practitioner who provides the treatments to an adult
18 outside of the bill's requirements but applies the
19 provision only to a practitioner who willfully or
20 actively participates in a physician's violation of
21 the bill's requirements for obtaining informed
22 consent.

23 With regard to licensure revocation, it
24 inserts the House bill's requirement, which is not
25 in the Senate bill, for a health care practitioner,

1 regulatory board, or the DOH if there is no board,
2 to revoke a practitioner's licence if he or she is
3 determined to have violated the bill's prohibitions
4 or requirements relating to providing the treatments.

5 It inserts the House bill's provision,
6 which is not in the Senate bill, to prohibit health
7 insurance policies and HMO contracts from providing
8 coverage for the treatments, regardless of the
9 patient's age.

10 It adds new cause of action language that
11 provides that a physician who renders the treatments
12 to a patient is liable to the individual for any
13 physical, psychological, emotional, or physiological
14 injury resulting from the treatments;

15 A patient who receives the treatments from a
16 physician may bring a civil action for declaratory or
17 injunctive relief, economic damages, noneconomic
18 damages, punitive damages, without limits, and
19 attorney fees and costs;

20 The estate of a patient who received the
21 treatments from a physician, including a legal
22 guardian on behalf of such individual, when the death
23 of the patient was caused by the treatments, may bring
24 a civil action against such physician for the same
25 remedies listed above, as well as specified medical

1 malpractice remedies, plus treble damages; and

2 An action brought under these provisions for
3 nonlethal injuries must be brought within 20 years
4 after the treatments, while an action for death must
5 be brought within 5 years of the death or the
6 discovery of the death, whichever is later.

7 And then, lastly, Madam President and
8 Senators, with regard to the effective date, it adopts
9 the Senate bill's effective date, which is upon the
10 bill becoming a law, instead of the House bill's
11 effective date, which was July 1, 2023.

12 Madam President, that is the House change.

13 PRESIDENT PASSIDOMO: Is there an amendment
14 to the House amendment?

15 SENATOR YARBOROUGH: Yes, ma'am.

16 PRESIDENT PASSIDOMO: Read the Senate
17 amendment to the House amendment.

18 I think the clerk has the amendment.

19 THE SECRETARY: Amendment barcode 738500 by
20 Senator Yarborough, delete lines 5 through 197 and
21 insert amendment.

22 PRESIDENT PASSIDOMO: Senator Yarborough,
23 you're recognized to explain the Senate amendment to
24 the House.

25 SENATOR YARBOROUGH: Thank you, Madam

1 President.

2 After consulting with our House colleagues,
3 I am proposing to amend the House amendment to restore
4 the Senate's version of the bill with only two
5 revisions. The Senate amendment to the House
6 amendment contains the following differences from the
7 Senate bill we passed earlier this month.

8 First, the amendment no longer contains the
9 Senate bill's requirement for hospitals, ambulatory
10 surgical centers, and physician offices registered
11 for office surgeries to provide an attestation to
12 AHCA or DOH that they do not provide sex reassignment
13 treatments to minors, except for minors grandfathered
14 in under the bill.

15 After the bill takes effect, such treatments
16 will be illegal, and I agree with our House colleagues
17 that it is unnecessary to require the facilities to
18 attest that they are not breaking the law.

19 The second revision relates to the
20 continuation of prescription treatment for minors if
21 such treatment was commenced before and is still
22 active on the bill's effective date.

23 The Senate bill requires the Board of
24 Medicine and Osteopathic Medicine to adopt emergency
25 rules creating physician standards of practice for

1 such minors within 60 days of the bill's effective
2 date. The amendment directs the boards when
3 developing those standards of practice to consider
4 whether the treating physician should obtain informed
5 consent from a minor's parent or legal guardian that
6 is consistent with the parameters of informed consent
7 that the bill requires for adults.

8 The amendment also directs the boards to
9 consider the provision of professional counseling
10 services for such minor patients by a board-certified
11 psychiatrist or a psychologist in conjunction with
12 the minor's prescription treatment.

13 Everything else in the amendment is identical
14 to the Senate bill we passed on this floor over to the
15 House on April 4, Madam President.

16 PRESIDENT PASSIDOMO: Are there questions
17 on the Senate amendment to the House amendment?

18 Senator Polsky, you're recognized.

19 SENATOR POLSKY: Thank you.

20 Can you explain that last part about --
21 it was about when insurance coverage -- no. I'm
22 sorry. Sorry.

23 The last part about when you can start and
24 stop treatment; is that what the last part was about?

25 PRESIDENT PASSIDOMO: Senator Yarborough.

1 SENATOR YARBOROUGH: Thank you, Madam
2 President.

3 The second piece, Senator Polsky, was with
4 regard to what we had already established in our bill,
5 that they would adopt rules relating to standards of
6 care for minors grandfathered in. We're not directing
7 that they must do something, but we're saying they
8 must consider -- for those who are grandfathered in,
9 they need to consider whether the treating physician
10 should obtain informed consent from a minor's parent
11 or guardian, and then also direct the board to
12 consider the provision of professional counseling for
13 such minors by a board-certified psychiatrist or
14 psychologist in conjunction with the minor's
15 prescription treatment.

16 That's it.

17 PRESIDENT PASSIDOMO: Any other questions?
18 Senator Jones.

19 SENATOR JONES: Thank you so much, Madam
20 President.

21 Senator Yarborough, would the specific
22 amendment that we have on here -- can you walk us
23 through this specific amendment?

24 PRESIDENT PASSIDOMO: Senator Yarborough.

25 SENATOR YARBOROUGH: Thank you, Madam

1 President.

2 Senator Jones, that's what I just described.
3 We pretty much maintained Senate bill 254 the way we
4 adopted it on April 4, with the exception of removing
5 the requirement that the facilities have to do the
6 attestation to AHCA or DOH.

7 And then the second revision was simply
8 about, in my answer to Senator Polsky's question, to
9 direct the boards to consider items related to the
10 minors who were grandfathered in if they've already
11 been receiving treatments.

12 That's the only changes from the version we
13 already passed.

14 PRESIDENT PASSIDOMO: Senator Pizzo.

15 SENATOR PIZZO: Thank you, Madam President.

16 A question on procedure, because I'm trying
17 to do, like, six things right now.

18 After we find on this particular amendment
19 to the amendment, do we go back to questions --
20 will we be going back to questions on our amended
21 version intended to be sent back to the House?

22 PRESIDENT PASSIDOMO: You're asking questions
23 now on the amendment. If our amendment is adopted,
24 then we will debate, and then we will move to consider
25 a vote on the bill again.

1 SENATOR PIZZO: But, Madam President, debate
2 only, not questions after this amendment?

3 PRESIDENT PASSIDOMO: Well, there's no
4 reason, because if this amendment is adopted, that's
5 it and we vote on it.

6 SENATOR PIZZO: Okay.

7 PRESIDENT PASSIDOMO: So if you have
8 questions, I suggest you ask them now.

9 SENATOR PIZZO: I'll ask them now.

10 Thank you.

11 We are, in this amended version to be sent
12 back to the House, still stripping local governments
13 and authorities of the ability to provide this
14 health care to their employees?

15 PRESIDENT PASSIDOMO: Senator Yarborough.

16 SENATOR YARBOROUGH: Thank you, Madam
17 President.

18 Through the President and Senator Pizzo,
19 we maintain the provision that there is a prohibition
20 on the use of state funds or governmental funds
21 for items related in the bill, Senator.

22 PRESIDENT PASSIDOMO: Senator Pizzo.

23 SENATOR PIZZO: Thank you.

24 And I'm loathsome to ask particular questions
25 because it looks like over the last week things have

1 come back with certain amendments on it, but I'll ask
2 it now because I think you guys are going to run out
3 of time on this.

4 There's no prohibition for a municipality,
5 let's say, for instance, to reimburse one of their
6 employees if they seek health care elsewhere and they
7 want to get a reimbursement from the city. Correct?

8 PRESIDENT PASSIDOMO: Senator Yarborough.

9 SENATOR YARBOROUGH: Thank you, Madam
10 President.

11 That's not contained in the bill, Senator.

12 PRESIDENT PASSIDOMO: Any other questions
13 on the Senate amendment?

14 Senator Martin.

15 SENATOR MARTIN: Thank you, Madam President.

16 Senator Yarborough, does the Senate amendment
17 still include the provision that there's a 20-year
18 statute of limitations if the surgery or transition
19 is wrong and there needs to be a civil action to
20 compensate the victim?

21 PRESIDENT PASSIDOMO: Senator Yarborough.

22 SENATOR YARBOROUGH: Thank you, Madam
23 President. Thank you through the President to
24 Senator Martin.

25 We maintain in section 7, which is at the

1 bottom of page 7 of the amendment before us, the
2 civil liability of sex reassignment prescriptions or
3 procedures to minors. That cause of action is still
4 in there the way that we adopted it on April 4.

5 PRESIDENT PASSIDOMO: Senator Jones.

6 SENATOR JONES: Thank you so much, Madam
7 President.

8 I just want to get clarification from Senator
9 Yarborough. Those who are over the age of 18, that
10 they are still grandfathered in and their services
11 would not be interrupted. Correct?

12 PRESIDENT PASSIDOMO: Senator Yarborough.

13 SENATOR YARBOROUGH: Thank you, Madam
14 President.

15 Thank you, Senator Jones. Very good and
16 pertinent question.

17 So there's no change in that. We don't have
18 any law on the books today that speak to that, so
19 adults, as long as they meet the informed consent
20 requirement with the physician present and everything
21 that we adopted on April 4, there's no change in
22 that.

23 PRESIDENT PASSIDOMO: Senator Jones.

24 SENATOR JONES: Thank you so much, Madam
25 President.

1 What about those who are under 18 who are
2 already going through the process? Are they
3 grandfathered in, or would those services be
4 interrupted?

5 PRESIDENT PASSIDOMO: Senator Yarborough.

6 SENATOR YARBOROUGH: Thank you, Madam
7 President.

8 That related to a couple of questions ago
9 where I described what our change would be. We
10 already established the process that the boards of
11 medicine -- Board of Medicine, Board of Osteopathic
12 Medicine have to go through their rulemaking process
13 and adopt those within 60 days of the effective date.
14 And all we're adding today is that they consider some
15 extra items whenever they are in that rulemaking
16 process, but the grandfather provision is still in
17 the bill.

18 PRESIDENT PASSIDOMO: Senator Jones.

19 SENATOR JONES: Thank you so much, Madam
20 President.

21 So just for clarity for, like, a 17-year-old,
22 will they still -- my question is would they still be
23 able to get care if they're already going through the
24 process currently now?

25 PRESIDENT PASSIDOMO: Senator Yarborough.

1 SENATOR YARBOROUGH: Thank you, Madam
2 President.

3 Yes, sir.

4 PRESIDENT PASSIDOMO: Any other questions?

5 Is there any debate?

6 All in favor of the Senate amendment to
7 the House amendment, say yea.

8 Opposed, say nay.

9 Show the amendment adopted.

10 Senator Yarborough, you're recognized
11 for a motion.

12 SENATOR YARBOROUGH: Thank you, Madam
13 President.

14 Madam President, I move --

15 PRESIDENT PASSIDOMO: Senator Yarborough
16 moves the Senate concur --

17 SENATOR YARBOROUGH: Concur -- thank you --
18 House amendment barcode number 256351 as amended by
19 Senate amendment barcode number 738500.

20 PRESIDENT PASSIDOMO: Is there objection?

21 Seeing none, show the motion adopted.

22 We are back on the bill as amended. The
23 secretary will unlock the board, and the senators
24 will proceed to vote.

25 Have all senators voted?

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Lock the board and record the vote.

THE SECRETARY: 26 yeas, 13 nays, Madam
President.

PRESIDENT PASSIDOMO: Show the bill passes.

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CERTIFICATE OF REPORTER

STATE OF IOWA)
COUNTY OF WARREN)

I, Terri L. Martin, Certified Shorthand Reporter, certify that I was authorized to and did stenographically transcribe the foregoing audio recording to the best of my ability and that the transcript is a complete record of my stenographic notes.

Dated this 14th of August, 2023.

/s/ Terri L. Martin
Terri L. Martin, CSR, RPR, CRR