

**CONFIDENTIAL****TITLE**

Gender Dysphoria/Transgender Health Care Legislation

**SUMMARY**

Include elements of Alabama, Arizona, and Arkansas bills to safeguard Florida's children from the irreversible mental, physical, and emotional harm that results for the treatment of gender dysphoria.

**ELEMENTS**

The following elements by Department/Agency would be included in the legislation:

**Prohibition of State Expenditures**

- Prohibit the use of public funds for gender dysphoria/transitional related care to both children and adults.
  - o Examples: DOC (inmates), DMS (state employee health insurance/state university system employees and their dependents), DCF (state hospitals, child welfare system), APD (ICF/IDDs), DOH (health departments), DFS (Florida Healthy Kids), DJJ (juvenile justice system), Florida College System (Florida College System Risk Management Consortium).
- Could expand to local funds but would trigger preemption discussion, this would include school boards, government sponsored insurance payers (cities, counties, school districts).
- Healthcare subsidy for Florida Retirement System recipients and beneficiaries.

**Limits Services to Children****Department of Health**

- Prohibit health care practitioners from providing both surgical and non-surgical care related to gender dysphoria to children and adolescents.

**Surgical (Genital)**

- o Male: Penectomy, Orchiectomy, Vaginoplasty, Clitoroplasty, Vulvoplasty.
- o Female: Hysterectomy, Oophorectomy, Urethra reconstruction, Genital reconstruction (metoidioplasty or phalloplasty/ construction of penile structure), Vaginectomy, Scrotoplasty, Implantation of Erectile/Testicular Prostheses.

**Surgical (Non-Genital)**

- o Male: Augmentation mammoplasty, Facial feminization surgery, Liposuction, Lipofilling, Voice surgery, Thyroid cartilage reduction, Gluteal augmentation, Hair reconstruction, and Other aesthetic procedures.
- o Female: A subcutaneous mastectomy, Voice surgery, Liposuction, Lipofilling, Pectoral implants, Other aesthetic procedures.

**Non-Surgical**

- o Ban prescribing of non-surgical care including pubertal blocking drugs, cross sex hormone therapy, and voice therapy.

**Mental Health/Psychological\***

- o Determine whether to include allowance of mental health, psychology, and psychiatric services for children.\*

**Agency for Health Care Administration**

- Prohibit managed care plans (and fee-for-service) from authorizing care for children under age 21 (EPSDT <21 years of age).
- Direct Florida Medicaid to exclude all gender dysphoria related surgical and certain non-surgical services to children under 21 years of age.

EOG\_008128

Stricken language would be deleted from and underlined language would be added to present law.

1 State of Arkansas  
2 93rd General Assembly  
3 Regular Session, 2021  
4

As Engrossed: H3/2/21 H3/8/21

**A Bill**

HOUSE BILL 1570

5 By: Representatives Lundstrum, Barker, Bentley, Brown, Bryant, Cavanaugh, Cloud, Coleman, C.  
6 Cooper, Cozart, Crawford, Dalby, Dotson, C. Fite, Furman, Gazaway, Gonzales, M. Gray, Haak,  
7 Hollowell, Ladyman, Lowery, Lynch, J. Mayberry, McGrew, McNair, S. Meeks, Miller, Payton, Penzo,  
8 Pilkington, Ray, Richmond, Slape, B. Smith, Speaks, Tollett, Tosh, Underwood, Vaught, Warren,  
9 Watson, Wing, *Bragg, Hillman, Wooten*  
10 By: Senators A. Clark, B. Ballinger, Beckham, Bledsoe, B. Davis, J. English, Gilmore, K. Hammer, Hill,  
11 Irvin, B. Johnson, M. Johnson, Rapert, Rice, G. Stubblefield, D. Wallace, *D. Sullivan, Hester, T. Garner*  
12

**For An Act To Be Entitled**

13  
14 AN ACT TO CREATE THE ARKANSAS SAVE ADOLESCENTS FROM  
15 EXPERIMENTATION (SAFE) ACT; AND FOR OTHER PURPOSES.  
16

**Subtitle**

17  
18  
19 TO CREATE THE ARKANSAS SAVE ADOLESCENTS  
20 FROM EXPERIMENTATION (SAFE) ACT.  
21

22  
23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
24

25 SECTION 1. Title.

26 This act shall be known and may be cited as the "Arkansas Save  
27 Adolescents from Experimentation (SAFE) Act".  
28

29 SECTION 2. Legislative findings.

30 The General Assembly finds that:

31 (1) Arkansas has a compelling government interest in protecting  
32 the health and safety of its citizens, especially vulnerable children;

33 (2)(A) Only a small percentage of the American population  
34 experiences distress at identifying with their biological sex.

35 (B) According to the American Psychiatric Association,  
36 "For natal adult males, prevalence ranges from 0.005% to 0.014%, and for



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1 natal females, from 0.002% to 0.003%.”;

2 (3) For the small percentage of children who are gender  
3 nonconforming or experience distress at identifying with their biological  
4 sex, studies consistently demonstrate that the majority come to identify with  
5 their biological sex in adolescence or adulthood, thereby rendering most  
6 physiological interventions unnecessary;

7 (4) Furthermore, scientific studies show that individuals  
8 struggling with distress at identifying with their biological sex often have  
9 already experienced psychopathology, which indicates these individuals should  
10 be encouraged to seek mental health services to address comorbidities and  
11 underlying causes of their distress before undertaking any hormonal or  
12 surgical intervention;

13 (5) Even among people who have undergone inpatient gender  
14 reassignment procedures, suicide rates, psychiatric morbidities, and  
15 mortality rates remain markedly elevated above the background population;

16 (6)(A) Some healthcare providers are prescribing puberty-  
17 blocking drugs, such as gonadotropin-releasing hormone analogues, in order to  
18 delay the onset or progression of puberty in children who experience distress  
19 at identifying with their biological sex.

20 (B) The prescribing of puberty-blocking drugs is being  
21 done despite the lack of any long-term longitudinal studies evaluating the  
22 risks and benefits of using these drugs for the treatment of such distress or  
23 gender transition;

24 (7) Healthcare providers are also prescribing cross-sex hormones  
25 for children who experience distress at identifying with their biological  
26 sex, despite the fact that no randomized clinical trials have been conducted  
27 on the efficacy or safety of the use of cross-sex hormones in adults or  
28 children for the purpose of treating such distress or gender transition;

29 (8) The use of cross-sex hormones comes with serious known  
30 risks, such as:

31 (A) For biological females:

32 (i) Erythrocytosis, which is an increase in red  
33 blood cells;

34 (ii) Severe liver dysfunction;

35 (iii) Coronary artery disease, including heart  
36 attacks;

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- 1 (iv) Cerebrovascular disease, including strokes;
- 2 (v) Hypertension;
- 3 (vi) Increased risk of breast and uterine cancers;

4 and

- 5 (vii) Irreversible infertility; and

6 (B) For biological males:

- 7 (i) Thromboembolic disease, including blood clots;
- 8 (ii) Cholelithiasis, including gallstones;
- 9 (iii) Coronary artery disease, including heart

10 attacks;

- 11 (iv) Macroprolactinoma, which is a tumor of the
- 12 pituitary gland;

- 13 (v) Cerebrovascular disease, including strokes;

- 14 (vi) Hypertriglyceridemia, which is an elevated
- 15 level of tryglycerides in the blood;

- 16 (vii) Breast cancer; and

- 17 (viii) Irreversible infertility;

18 (9) Genital and nongenital gender reassignment surgeries are  
 19 generally not recommended for children, although evidence indicates referrals  
 20 for children to have such surgeries are becoming more frequent;

21 (10)(A) Genital gender reassignment surgery includes several  
 22 irreversible invasive procedures for males and females and involves the  
 23 alteration of biologically healthy and functional body parts.

24 (B) For biological males, surgery may involve:

- 25 (i) Genital reconstruction including penectomy,
- 26 which is the removal of the penis;

- 27 (ii) Orchiectomy, which is the removal of the
- 28 testicles;

- 29 (iii) Vaginoplasty, which is the construction of a
- 30 vagina-like structure, typically through a penile inversion procedure;

- 31 (iv) Clitoroplasty, which is the construction of a
- 32 clitoris-like structure; and

- 33 (v) Vulvoplasty, which is the construction of a
- 34 vulva-like structure.

35 (C) For biological females, surgery may involve:

- 36 (i) A hysterectomy or oophorectomy;

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1 (ii) Reconstruction of the urethra;  
2 (iii) Genital reconstruction including  
3 metoidioplasty or phalloplasty, which is the construction of a penis-like  
4 structure;

5 (iv) Vaginectomy, which is the removal of the  
6 vagina;

7 (v) Scrotoplasty, which is the construction of a  
8 penis-like and scrotum-like structure; and

9 (vi) Implantation of erection or testicular  
10 prostheses;

11 (11) The complications, risks, and long-term care concerns  
12 associated with genital gender reassignment surgery for both males and  
13 females are numerous and complex;

14 (12)(A) Nongenital gender reassignment surgery includes various  
15 invasive procedures for males and females and also involves the alteration or  
16 removal of biologically normal and functional body parts.

17 (B) For biological males, this surgery may involve:

18 (i) Augmentation mammoplasty;

19 (ii) Facial feminization surgery;

20 (iii) Liposuction;

21 (iv) Lipofilling;

22 (v) Voice surgery;

23 (vi) Thyroid cartilage reduction;

24 (vii) Gluteal augmentation;

25 (viii) Hair reconstruction; and

26 (ix) Other aesthetic procedures.

27 (C) For biological females, this surgery may involve:

28 (i) A subcutaneous mastectomy;

29 (ii) Voice surgery;

30 (iii) Liposuction;

31 (iv) Lipofilling;

32 (v) Pectoral implants; and

33 (vi) Other aesthetic procedures;

34 (13)(A) It is an accepted principle of economics and public  
35 policy that when a service or product is subsidized or reimbursed, demand for  
36 that service or product is increased.

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1 (B) Between 2015 and 2016, gender reassignment surgeries  
 2 increased by nearly twenty percent (20%) in the United States;

3 (14) It is of grave concern to the General Assembly that the  
 4 medical community is allowing individuals who experience distress at  
 5 identifying with their biological sex to be subjects of irreversible and  
 6 drastic nongenital gender reassignment surgery and irreversible, permanently  
 7 sterilizing genital gender reassignment surgery, despite the lack of studies  
 8 showing that the benefits of such extreme interventions outweigh the risks;  
 9 and

10 (15) The risks of gender transition procedures far outweigh any  
 11 benefit at this stage of clinical study on these procedures.

12  
 13 SECTION 3. Arkansas Code Title 20, Chapter 9, is amended to add an  
 14 additional subchapter to read as follows:

15  
 16 Subchapter 15 – Arkansas Save Adolescents from Experimentation (SAFE) Act

17  
 18 20-9-1501. Definitions.

19 As used in this subchapter:

20 (1) "Biological sex" means the biological indication of male and  
 21 female in the context of reproductive potential or capacity, such as sex  
 22 chromosomes, naturally occurring sex hormones, gonads, and nonambiguous  
 23 internal and external genitalia present at birth, without regard to an  
 24 individual's psychological, chosen, or subjective experience of gender;

25 (2) "Cross-sex hormones" means:

26 (A) Testosterone or other androgens given to biological  
 27 females in amounts that are larger or more potent than would normally occur  
 28 naturally in healthy biological sex females; and

29 (B) Estrogen given to biological males in amounts that are  
 30 larger or more potent than would normally occur naturally in healthy  
 31 biological sex males;

32 (3) "Gender" means the psychological, behavioral, social, and  
 33 cultural aspects of being male or female;

34 (4) "Gender reassignment surgery" means any medical or surgical  
 35 service that seeks to surgically alter or remove healthy physical or  
 36 anatomical characteristics or features that are typical for the individual's

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1 biological sex, in order to instill or create physiological or anatomical  
2 characteristics that resemble a sex different from the individual's  
3 biological sex, including without limitation, genital or nongenital gender  
4 reassignment surgery performed for the purpose of assisting an individual  
5 with a gender transition;

6 (5) "Gender transition" means the process in which a person goes  
7 from identifying with and living as a gender that corresponds to his or her  
8 biological sex to identifying with and living as a gender different from his  
9 or her biological sex, and may involve social, legal, or physical changes;

10 (6)(A) "Gender transition procedures" means any medical or  
11 surgical service, including without limitation physician's services,  
12 inpatient and outpatient hospital services, or prescribed drugs related to  
13 gender transition that seeks to:

14 (i) Alter or remove physical or anatomical  
15 characteristics or features that are typical for the individual's biological  
16 sex; or

17 (ii) Instill or create physiological or anatomical  
18 characteristics that resemble a sex different from the individual's  
19 biological sex, including without limitation medical services that provide  
20 puberty-blocking drugs, cross-sex hormones, or other mechanisms to promote  
21 the development of feminizing or masculinizing features in the opposite  
22 biological sex, or genital or nongenital gender reassignment surgery  
23 performed for the purpose of assisting an individual with a gender  
24 transition.

25 (B) "Gender transition procedures" do not include:

26 (i) Services to persons born with a medically  
27 verifiable disorder of sex development, including a person with external  
28 biological sex characteristics that are irresolvably ambiguous, such as those  
29 born with 46 XX chromosomes with virilization, 46 XY chromosomes with  
30 undervirilization, or having both ovarian and testicular tissue;

31 (ii) Services provided when a physician has  
32 otherwise diagnosed a disorder of sexual development that the physician has  
33 determined through genetic or biochemical testing that the person does not  
34 have normal sex chromosome structure, sex steroid hormone production, or sex  
35 steroid hormone action;

36 (iii) The treatment of any infection, injury,

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1 disease, or disorder that has been caused by or exacerbated by the  
2 performance of gender transition procedures, whether or not the gender  
3 transition procedure was performed in accordance with state and federal law  
4 or whether not funding for the gender transition procedure is permissible  
5 under this subchapter; or

6 (iv) Any procedure undertaken because the individual  
7 suffers from a physical disorder, physical injury, or physical illness that  
8 would, as certified by a physician, place the individual in imminent danger  
9 of death or impairment of major bodily function unless surgery is performed;

10 (7) "Genital gender reassignment surgery" means a medical  
11 procedure performed for the purpose of assisting an individual with a gender  
12 transition, including without limitation:

13 (A) Surgical procedures such as penectomy, orchiectomy,  
14 vaginoplasty, clitoroplasty, or vulvoplasty for biologically male patients or  
15 hysterectomy or ovariectomy for biologically female patients;

16 (B) Reconstruction of the fixed part of the urethra with  
17 or without a metoidioplasty; or

18 (C) Phalloplasty, vaginectomy, scrotoplasty, or  
19 implantation of erection or testicular prostheses for biologically female  
20 patients;

21 (8) "Healthcare professional" a person who is licensed,  
22 certified, or otherwise authorized by the laws of this state to administer  
23 health care in the ordinary course of the practice of his or her profession;

24 (9) "Nongenital gender reassignment surgery" means medical  
25 procedures performed for the purpose of assisting an individual with a gender  
26 transition including without limitation:

27 (A) Surgical procedures for biologically male patients,  
28 such as augmentation mammoplasty, facial feminization surgery, liposuction,  
29 lipofilling, voice surgery, thyroid cartilage reduction, gluteal  
30 augmentation, hair reconstruction, or various aesthetic procedures; or

31 (B) Surgical procedures for biologically female patients,  
32 such as subcutaneous mastectomy, voice surgery, liposuction, lipofilling,  
33 pectoral implants, or various aesthetic procedures;

34 (10) "Physician" means a person who is licensed to practice  
35 medicine in this state;

36 (11) "Puberty-blocking drugs" means gonadotropin-releasing



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1 hormone analogues or other synthetic drugs used in biological males to stop  
2 luteinizing hormone secretion and therefore testosterone secretion, or  
3 synthetic drugs used in biological females which stop the production of  
4 estrogens and progesterone, when used to delay or suppress pubertal  
5 development in children for the purpose of assisting an individual with a  
6 gender transition; and

7 (12) "Public funds" means state, county, or local government  
8 monies, in addition to any department, agency, or instrumentality authorized  
9 or appropriated under state law or derived from any fund in which such moneys  
10 are deposited.

11  
12 20-9-1502. Prohibition of gender transition procedures for minors.

13 (a) A physician or other healthcare professional shall not provide  
14 gender transition procedures to any individual under eighteen (18) years of  
15 age.

16 (b) A physician, or other healthcare professional shall not refer any  
17 individual under eighteen (18) years of age to any healthcare professional  
18 for gender transition procedures.

19 (c) A physician or other healthcare professional is not prohibited  
20 from providing any of the following procedures which are not gender  
21 transition procedures to an individual under eighteen (18) years of age:

22 (1) Services to persons born with a medically verifiable  
23 disorder of sex development, including a person with external biological sex  
24 characteristics that are irresolvably ambiguous, such as those born with 46  
25 XX chromosomes with virilization, 46 XY chromosomes with undervirilization,  
26 or having both ovarian and testicular tissue;

27 (2) Services provided when a physician has otherwise diagnosed a  
28 disorder of sexual development that the physician has determined through  
29 genetic or biochemical testing that the person does not have normal sex  
30 chromosome structure, sex steroid hormone production, or sex steroid hormone  
31 action;

32 (3) The treatment of any infection, injury, disease, or disorder  
33 that has been caused by or exacerbated by the performance of gender  
34 transition procedures, whether or not the gender transition procedure was  
35 performed in accordance with state and federal law or whether not funding for  
36 the gender transition procedure is permissible under this subchapter; or

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1           (4) Any procedure undertaken because the individual suffers from  
2 a physical disorder, physical injury, or physical illness that would, as  
3 certified by a physician, place the individual in imminent danger of death or  
4 impairment of major bodily function unless surgery is performed.

5  
6           20-9-1503. Prohibition on use of public funds for gender transition  
7 procedures.

8           (a) Public funds shall not be directly or indirectly used, granted,  
9 paid, or distributed to any entity, organization, or individual that provides  
10 gender transition procedures to an individual under eighteen (18) years of  
11 age.

12           (b) Healthcare services furnished in the following situations shall  
13 not include gender transition procedures to an individual under eighteen (18)  
14 years of age:

15           (1) By or in a healthcare facility owned by the state or a  
16 county or local government; or

17           (2) By a physician or other healthcare professional employed by  
18 state or a county or local government.

19           (c) Any amount paid by an individual or an entity during a taxable  
20 year for provision of gender transition procedures or as premiums for health  
21 care coverage that includes coverage for gender transition procedures is not  
22 tax-deductible.

23           (d) The Arkansas Medicaid Program shall not reimburse or provide  
24 coverage for gender transition procedures to an individual under eighteen  
25 (18) years of age.

26  
27           20-9-1504. Enforcement.

28           (a) Any referral for or provision of gender transition procedures to  
29 an individual under eighteen (18) year of age is unprofessional conduct and  
30 is subject to discipline by the appropriate licensing entity or disciplinary  
31 review board with competent jurisdiction in this state.

32           (b) A person may assert an actual or threatened violation of this  
33 subchapter as a claim or defense in a judicial or administrative proceeding  
34 and obtain compensatory damages, injunctive relief, declaratory relief, or  
35 any other appropriate relief.

36           (c)(1) A person shall bring a claim for a violation of this subchapter

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1 no later than two (2) years after the day the cause of action accrues.

2 (2) An individual under eighteen (18) years of age may bring an  
3 action throughout their minority through a parent or next friend, and may  
4 bring an action in their own name upon reaching majority at any time from  
5 that point until twenty (20) years after reaching the age of majority.

6 (d) Notwithstanding any other provision of law, an action under this  
7 subchapter may be commenced, and relief may be granted, in a judicial  
8 proceeding without regard to whether the person commencing the action has  
9 sought or exhausted available administrative remedies.

10 (e) In any action or proceeding to enforce a provision of this  
11 subchapter, a prevailing party who establishes a violation of this subchapter  
12 shall recover reasonable attorneys' fees.

13 (f)(1) The Attorney General may bring an action to enforce compliance  
14 with this subchapter.

15 (2) This subchapter does not deny, impair, or otherwise affect  
16 any right or authority of the Attorney General, the State of Arkansas, or any  
17 agency, officer, or employee of the state, acting under any law other than  
18 this subchapter, to institute or intervene in any proceeding.

19  
20 SECTION 4. Arkansas Code Title 23, Chapter 79, Subchapter 1, is  
21 amended to add an additional section to read as follows:

22 23-79-164. Insurance coverage of gender transition procedures for  
23 minors prohibited.

24 (a) As used in this section, "gender transition procedures" means the  
25 same as defined in § 20-9-1501.

26 (b) A health benefit plan under an insurance policy or other plan  
27 providing healthcare coverage in this state shall not include reimbursement  
28 for gender transition procedures for a person under eighteen (18) years of  
29 age.

30 (c) A health benefit plan under an insurance policy or other plan  
31 providing healthcare coverage in this state is not required to provide  
32 coverage for gender transition procedures.

33  
34 /s/Lundstrum

35  
36

Senate Engrossed

~~gender transition; prohibitions; public monies~~  
(now: irreversible gender reassignment surgery; minors)

State of Arizona  
Senate  
Fifty-fifth Legislature  
Second Regular Session  
2022

## SENATE BILL 1138

AN ACT

AMENDING TITLE 32, CHAPTER 32, ARTICLE 1, ARIZONA REVISED STATUTES, BY  
ADDING SECTION 32-3230; RELATING TO HEALTH CARE.

(TEXT OF BILL BEGINS ON NEXT PAGE)

S.B. 1138

1 Be it enacted by the Legislature of the State of Arizona:  
2 Section 1. Title 32, chapter 32, article 1, Arizona Revised  
3 Statutes, is amended by adding section 32-3230, to read:  
4 32-3230. Prohibition of irreversible gender reassignment  
5 surgery for minors; definitions  
6 A. A PHYSICIAN MAY NOT PROVIDE IRREVERSIBLE GENDER REASSIGNMENT  
7 SURGERY TO ANY INDIVIDUAL WHO IS UNDER EIGHTEEN YEARS OF AGE.  
8 B. A PHYSICIAN MAY PROVIDE ANY OF THE FOLLOWING TO AN INDIVIDUAL  
9 WHO IS UNDER EIGHTEEN YEARS OF AGE:  
10 1. SERVICES TO AN INDIVIDUAL BORN WITH A MEDICALLY VERIFIABLE  
11 DISORDER OF SEX DEVELOPMENT, INCLUDING AN INDIVIDUAL WITH EXTERNAL  
12 BIOLOGICAL SEX CHARACTERISTICS THAT ARE IRRESOLVABLY AMBIGUOUS, SUCH AS  
13 BEING BORN WITH FORTY-SIX XX CHROMOSOMES WITH VIRILIZATION OR FORTY-SIX  
14 XY CHROMOSOMES WITH UNDERVIRILIZATION OR HAVING BOTH OVARIAN AND  
15 TESTICULAR TISSUE.  
16 2. SERVICES PROVIDED WHEN A PHYSICIAN HAS OTHERWISE DIAGNOSED A  
17 DISORDER OF SEXUAL DEVELOPMENT AND HAS DETERMINED THROUGH GENETIC OR  
18 BIOCHEMICAL TESTING THAT THE INDIVIDUAL DOES NOT HAVE NORMAL SEX  
19 CHROMOSOME STRUCTURE, SEX STEROID HORMONE PRODUCTION OR SEX STEROID  
20 HORMONE ACTION.  
21 3. THE TREATMENT OF ANY INFECTION, INJURY, DISEASE OR DISORDER THAT  
22 HAS BEEN CAUSED BY OR EXACERBATED BY THE PERFORMANCE OF GENDER TRANSITION  
23 PROCEDURES, WHETHER OR NOT THE GENDER TRANSITION PROCEDURE WAS PERFORMED  
24 IN ACCORDANCE WITH STATE AND FEDERAL LAW.  
25 4. ANY PROCEDURE UNDERTAKEN BECAUSE THE INDIVIDUAL SUFFERS FROM A  
26 PHYSICAL DISORDER, PHYSICAL INJURY OR PHYSICAL ILLNESS THAT WOULD, AS  
27 CERTIFIED BY A PHYSICIAN, PLACE THE INDIVIDUAL IN IMMINENT DANGER OF DEATH  
28 OR IMPAIRMENT OF MAJOR BODILY FUNCTION UNLESS SURGERY IS PERFORMED.  
29 C. FOR THE PURPOSES OF THIS SECTION:  
30 1. "BIOLOGICAL SEX" MEANS THE BIOLOGICAL INDICATION OF MALE AND  
31 FEMALE IN THE CONTEXT OF REPRODUCTIVE POTENTIAL OR CAPACITY, SUCH AS SEX  
32 CHROMOSOMES, NATURALLY OCCURRING SEX HORMONES, GONADS AND NONAMBIGUOUS  
33 INTERNAL AND EXTERNAL GENITALIA PRESENT AT BIRTH, WITHOUT REGARD TO AN  
34 INDIVIDUAL'S PSYCHOLOGICAL, CHOSEN OR SUBJECTIVE EXPERIENCE OF GENDER.  
35 2. "GENDER" MEANS THE PSYCHOLOGICAL, BEHAVIORAL, SOCIAL AND  
36 CULTURAL ASPECTS OF BEING MALE OR FEMALE.  
37 3. "GENDER TRANSITION" MEANS THE PROCESS IN WHICH A PERSON GOES  
38 FROM IDENTIFYING WITH AND LIVING AS A GENDER THAT CORRESPONDS TO THE  
39 PERSON'S BIOLOGICAL SEX TO IDENTIFYING WITH AND LIVING AS A GENDER  
40 DIFFERENT FROM THE PERSON'S BIOLOGICAL SEX AND MAY INVOLVE SOCIAL, LEGAL  
41 OR PHYSICAL CHANGES.  
42 4. "IRREVERSIBLE GENDER REASSIGNMENT SURGERY" MEANS A MEDICAL  
43 PROCEDURE PERFORMED FOR THE PURPOSE OF ASSISTING AN INDIVIDUAL WITH A  
44 GENDER TRANSITION, INCLUDING ANY OF THE FOLLOWING:

S.B. 1138

1 (a) PENECTOMY, ORCHIECTOMY, VAGINOPLASTY, CLITOROPLASTY OR  
2 VULVOPLASTY FOR BIOLOGICALLY MALE PATIENTS OR HYSTERECTOMY OR OVARECTOMY  
3 FOR BIOLOGICALLY FEMALE PATIENTS.

4 (b) METOIDIOPLASTY, PHALLOPLASTY, VAGINECTOMY, SCROTOPLASTY OR  
5 IMPLANTATION OF ERECTION OR TESTICULAR PROSTHESES FOR BIOLOGICALLY FEMALE  
6 PATIENTS.

7 (c) AUGMENTATION MAMMOPLASTY FOR BIOLOGICALLY MALE PATIENTS AND  
8 SUBCUTANEOUS MASTECTOMY FOR FEMALE PATIENTS.

9 5. "PHYSICIAN" MEANS A PERSON WHO IS LICENSED PURSUANT TO CHAPTER  
10 13 OR 17 OF THIS TITLE.

11 Sec. 2. Effective date

12 This act is effective from and after March 31, 2023.

1 SB184  
2 216600-4  
3 By Senators Shelnuttt and Allen  
4 RFD: Healthcare  
5 First Read: 03-FEB-22

SB184

1 SB184

2

3

4 ENROLLED, An Act,

5 Relating to public health; to prohibit the  
6 performance of a medical procedure or the prescription of  
7 medication, upon or to a minor child, that is intended to  
8 alter the minor child's gender or delay puberty; to provide  
9 for exceptions; to provide for disclosure of certain  
10 information concerning students to parents by schools; and to  
11 establish criminal penalties for violations; and in connection  
12 therewith would have as its purpose or effect the requirement  
13 of a new or increased expenditure of local funds within the  
14 meaning of Amendment 621 of the Constitution of Alabama of  
15 1901, as amended by Amendment 890, now appearing as Section  
16 111.05 of the Official Recompilation of the Constitution of  
17 Alabama of 1901, as amended.

18 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

19 Section 1. This act shall be known and may be cited  
20 as the Alabama Vulnerable Child Compassion and Protection Act  
21 (V-CAP).

22 Section 2. The Legislature finds and declares the  
23 following:

24 (1) The sex of a person is the biological state of  
25 being female or male, based on sex organs, chromosomes, and



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1 endogenous hormone profiles, and is genetically encoded into a  
2 person at the moment of conception, and it cannot be changed.

3 (2) Some individuals, including minors, may  
4 experience discordance between their sex and their internal  
5 sense of identity, and individuals who experience severe  
6 psychological distress as a result of this discordance may be  
7 diagnosed with gender dysphoria.

8 (3) The cause of the individual's impression of  
9 discordance between sex and identity is unknown, and the  
10 diagnosis is based exclusively on the individual's self-report  
11 of feelings and beliefs.

12 (4) This internal sense of discordance is not  
13 permanent or fixed, but to the contrary, numerous studies have  
14 shown that a substantial majority of children who experience  
15 discordance between their sex and identity will outgrow the  
16 discordance once they go through puberty and will eventually  
17 have an identity that aligns with their sex.

18 (5) As a result, taking a wait-and-see approach to  
19 children who reveal signs of gender nonconformity results in a  
20 large majority of those children resolving to an identity  
21 congruent with their sex by late adolescence.

22 (6) Some in the medical community are aggressively  
23 pushing for interventions on minors that medically alter the  
24 child's hormonal balance and remove healthy external and

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1 internal sex organs when the child expresses a desire to  
2 appear as a sex different from his or her own.

3 (7) This course of treatment for minors commonly  
4 begins with encouraging and assisting the child to socially  
5 transition to dressing and presenting as the opposite sex. In  
6 the case of prepubertal children, as puberty begins, doctors  
7 then administer long-acting GnRH agonist (puberty blockers)  
8 that suppress the pubertal development of the child. This use  
9 of puberty blockers for gender nonconforming children is  
10 experimental and not FDA-approved.

11 (8) After puberty blockade, the child is later  
12 administered "cross-sex" hormonal treatments that induce the  
13 development of secondary sex characteristics of the other sex,  
14 such as causing the development of breasts and wider hips in  
15 male children taking estrogen and greater muscle mass, bone  
16 density, body hair, and a deeper voice in female children  
17 taking testosterone. Some children are administered these  
18 hormones independent of any prior pubertal blockade.

19 (9) The final phase of treatment is for the  
20 individual to undergo cosmetic and other surgical procedures,  
21 often to create an appearance similar to that of the opposite  
22 sex. These surgical procedures may include a mastectomy to  
23 remove a female adolescent's breasts and "bottom surgery" that  
24 removes a minor's health reproductive organs and creates an

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1 artificial form aiming to approximate the appearance of the  
2 genitals of the opposite sex.

3 (10) For minors who are placed on puberty blockers  
4 that inhibit their bodies from experiencing the natural  
5 process of sexual development, the overwhelming majority will  
6 continue down a path toward cross-sex hormones and cosmetic  
7 surgery.

8 (11) This unproven, poorly studied series of  
9 interventions results in numerous harmful effects for minors,  
10 as well as risks of effects simply unknown due to the new and  
11 experimental nature of these interventions.

12 (12) Among the known harms from puberty blockers is  
13 diminished bone density; the full effect of puberty blockers  
14 on brain development and cognition are yet unknown, though  
15 reason for concern is now present. There is no research on the  
16 long-term risks to minors of persistent exposure to puberty  
17 blockers. With the administration of cross-sex hormones comes  
18 increased risks of cardiovascular disease, thromboembolic  
19 stroke, asthma, COPD, and cancer.

20 (13) Puberty blockers prevent gonadal maturation and  
21 thus render patients taking these drugs infertile. Introducing  
22 cross-sex hormones to children with immature gonads as a  
23 direct result of pubertal blockade is expected to cause  
24 irreversible sterility. Sterilization is also permanent for  
25 those who undergo surgery to remove reproductive organs, and

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1 such persons are likely to suffer through a lifetime of  
2 complications from the surgery, infections, and other  
3 difficulties requiring yet more medical intervention.

4 (14) Several studies demonstrate that hormonal and  
5 surgical interventions often do not resolve the underlying  
6 psychological issues affecting the individual. For example,  
7 individuals who undergo cross-sex cosmetic surgical procedures  
8 have been found to suffer from elevated mortality rates higher  
9 than the general population. They experience significantly  
10 higher rates of substance abuse, depression, and psychiatric  
11 hospitalizations.

12 (15) Minors, and often their parents, are unable to  
13 comprehend and fully appreciate the risk and life  
14 implications, including permanent sterility, that result from  
15 the use of puberty blockers, cross-sex hormones, and surgical  
16 procedures.

17 (16) For these reasons, the decision to pursue a  
18 course of hormonal and surgical interventions to address a  
19 discordance between the individual's sex and sense of identity  
20 should not be presented to or determined for minors who are  
21 incapable of comprehending the negative implications and  
22 life-course difficulties attending to these interventions.

23 Section 3. For the purposes of this act, the  
24 following terms shall have the following meanings:

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1 (1) MINOR. The same meaning as in Section 43-8-1,  
2 Code of Alabama 1975.

3 (2) PERSON. Includes any of the following:

4 a. Any individual.

5 b. Any agent, employee, official, or contractor of  
6 any legal entity.

7 c. Any agent, employee, official, or contractor of a  
8 school district or the state or any of its political  
9 subdivisions or agencies.

10 (3) SEX. The biological state of being male or  
11 female, based on the individual's sex organs, chromosomes, and  
12 endogenous hormone profiles.

13 Section 4. (a) Except as provided in subsection (b),  
14 no person shall engage in or cause any of the following  
15 practices to be performed upon a minor if the practice is  
16 performed for the purpose of attempting to alter the  
17 appearance of or affirm the minor's perception of his or her  
18 gender or sex, if that appearance or perception is  
19 inconsistent with the minor's sex as defined in this act:

20 (1) Prescribing or administering puberty blocking  
21 medication to stop or delay normal puberty.

22 (2) Prescribing or administering supraphysiologic  
23 doses of testosterone or other androgens to females.

24 (3) Prescribing or administering supraphysiologic  
25 doses of estrogen to males.

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1           (4) Performing surgeries that sterilize, including  
2           castration, vasectomy, hysterectomy, oophorectomy,  
3           orchietomy, and penectomy.

4           (5) Performing surgeries that artificially construct  
5           tissue with the appearance of genitalia that differs from the  
6           individual's sex, including metoidioplasty, phalloplasty, and  
7           vaginoplasty.

8           (6) Removing any healthy or non-diseased body part  
9           or tissue, except for a male circumcision.

10           (b) Subsection (a) does not apply to a procedure  
11           undertaken to treat a minor born with a medically verifiable  
12           disorder of sex development, including either of the  
13           following:

14           (1) An individual born with external biological sex  
15           characteristics that are irresolvably ambiguous, including an  
16           individual born with 46 XX chromosomes with virilization, 46  
17           XY chromosomes with under virilization, or having both ovarian  
18           and testicular tissue.

19           (2) An individual whom a physician has otherwise  
20           diagnosed with a disorder of sexual development, in which the  
21           physician has determined through genetic or biochemical  
22           testing that the person does not have normal sex chromosome  
23           structure, sex steroid hormone production, or sex steroid  
24           hormone action for a male or female.

25           (c) A violation of this section is a Class C felony.

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1           Section 5. No nurse, counselor, teacher, principal,  
2 or other administrative official at a public or private school  
3 attended by a minor shall do either of the following:

4           (1) Encourage or coerce a minor to withhold from the  
5 minor's parent or legal guardian the fact that the minor's  
6 perception of his or her gender or sex is inconsistent with  
7 the minor's sex.

8           (2) Withhold from a minor's parent or legal guardian  
9 information related to a minor's perception that his or her  
10 gender or sex is inconsistent with his or her sex.

11           Section 6. Except as provided for in Section 4,  
12 nothing in this act shall be construed as limiting or  
13 preventing psychologists, psychological technicians, and  
14 master's level licensed mental health professionals from  
15 rendering the services for which they are qualified by  
16 training or experience involving the application of recognized  
17 principles, methods, and procedures of the science and  
18 profession of psychology and counseling.

19           Section 7. Nothing in this section shall be  
20 construed to establish a new or separate standard of care for  
21 hospitals or physicians and their patients or otherwise  
22 modify, amend, or supersede any provision of the Alabama  
23 Medical Liability Act of 1987 or the Alabama Medical Liability  
24 Act of 1996, or any amendment or judicial interpretation of  
25 either act.

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1           Section 8. If any part, section, or subsection of  
2 this act or the application thereof to any person or  
3 circumstances is held invalid, the invalidity shall not affect  
4 parts, sections, subsections, or applications of this act that  
5 can be given effect without the invalid part, section,  
6 subsection, or application.

7           Section 9. This act does not affect a right or duty  
8 afforded to a licensed pharmacist by state law.

9           Section 10. Although this bill would have as its  
10 purpose or effect the requirement of a new or increased  
11 expenditure of local funds, the bill is excluded from further  
12 requirements and application under Amendment 621, as amended  
13 by Amendment 890, now appearing as Section 111.05 of the  
14 Official Recompilation of the Constitution of Alabama of 1901,  
15 as amended, because the bill defines a new crime or amends the  
16 definition of an existing crime.

17           Section 11. This act shall become effective 30 days  
18 following its passage and approval by the Governor, or its  
19 otherwise becoming law.



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President and Presiding Officer of the Senate

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Speaker of the House of Representatives

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Senate 23-FEB-22

I hereby certify that the within Act originated in and passed the Senate, as amended.

Patrick Harris,  
Secretary.

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House of Representatives

Passed: 07-APR-22

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By: Senator Shelnut