

1 SB10
2 208207-1
3 By Senator Shelnutt
4 RFD: Healthcare
5 First Read: 02-FEB-21
6 PFD: 09/30/2020

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8 SYNOPSIS: This bill would prohibit the performance of
9 a medical procedure or the prescription or issuance
10 of medication, upon or to a minor child, that is
11 intended to alter the appearance of the minor
12 child's gender or delay puberty, with certain
13 exceptions.

14 This bill would provide for the disclosure
15 of certain information concerning students to
16 parents by schools.

17 This bill would also establish criminal
18 penalties for violations.

19 Amendment 621 of the Constitution of Alabama
20 of 1901, now appearing as Section 111.05 of the
21 Official Recompilation of the Constitution of
22 Alabama of 1901, as amended, prohibits a general
23 law whose purpose or effect would be to require a
24 new or increased expenditure of local funds from
25 becoming effective with regard to a local
26 governmental entity without enactment by a 2/3 vote
27 unless: it comes within one of a number of

1 specified exceptions; it is approved by the
2 affected entity; or the Legislature appropriates
3 funds, or provides a local source of revenue, to
4 the entity for the purpose.

5 The purpose or effect of this bill would be
6 to require a new or increased expenditure of local
7 funds within the meaning of the amendment. However,
8 the bill does not require approval of a local
9 governmental entity or enactment by a 2/3 vote to
10 become effective because it comes within one of the
11 specified exceptions contained in the amendment.

12
13 A BILL
14 TO BE ENTITLED
15 AN ACT
16

17 Relating to public health; to prohibit the
18 performance of a medical procedure or the prescription or
19 issuance of medication, upon or to a minor child, that is
20 intended to alter the minor child's gender or delay puberty;
21 to provide for exceptions; to provide for disclosure of
22 certain information concerning students to parents by schools;
23 and to establish criminal penalties for violations; and in
24 connection therewith would have as its purpose or effect the
25 requirement of a new or increased expenditure of local funds
26 within the meaning of Amendment 621 of the Constitution of
27 Alabama of 1901, now appearing as Section 111.05 of the

1 Official Recompilation of the Constitution of Alabama of 1901,
2 as amended.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

7 Section 2. For the purposes of this act, the
8 following terms shall have the following meanings:

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

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

12 a. Any individual.

13 b. Any agent, employee, official, or contractor of
14 any legal entity.

15 c. Any agent, employee, official, or contractor of a
16 school district or the state or any of its political
17 subdivisions or agencies.

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

21 Section 3. (a) Except as provided in subsection (b),
22 no person shall engage in, counsel, make a referral for, or
23 cause any of the following practices to be performed upon a
24 minor if the practice is performed for the purpose of
25 attempting to alter the appearance of or affirm the minor's
26 perception of his or her gender or sex, if that perception is
27 inconsistent with the minor's sex as defined in this act:

1 (1) Prescribing, dispensing, administering, or
2 otherwise supplying puberty blocking medication to stop or
3 delay normal puberty.

4 (2) Prescribing, dispensing, administering, or
5 otherwise supplying supraphysiologic doses of testosterone or
6 other androgens to females.

7 (3) Prescribing, dispensing, administering, or
8 otherwise supplying supraphysiologic doses of estrogen to
9 males.

10 (4) Performing surgeries that sterilize, including
11 castration, vasectomy, hysterectomy, oophorectomy,
12 orchiectomy, and penectomy.

13 (5) Performing surgeries that artificially construct
14 tissue with the appearance of genitalia that differs from the
15 individual's sex, including metoidioplasty, phalloplasty, and
16 vaginoplasty.

17 (6) Removing any healthy or non-diseased body part
18 or tissue.

19 (b) Subsection (a) does not apply to a procedure
20 undertaken to treat a minor born with a medically verifiable
21 disorder of sex development, including either of the
22 following:

23 (1) An individual born with external biological sex
24 characteristics that are irresolvably ambiguous, including an
25 individual born with 46 XX chromosomes with virilization, 46
26 XY chromosomes with under virilization, or having both ovarian
27 and testicular tissue.

1 (2) An individual whom a physician has otherwise
2 diagnosed with a disorder of sexual development, in which the
3 physician has determined through genetic or biochemical
4 testing that the person does not have normal sex chromosome
5 structure, sex steroid hormone production, or sex steroid
6 hormone action for a male or female.

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

8 Section 4. No nurse, counselor, teacher, principal,
9 or other administrative official at a public or private school
10 attended by a minor shall do either of the following:

11 (1) Encourage or coerce a minor to withhold from the
12 minor's parent or legal guardian the fact that the minor's
13 perception of his or her gender or sex is inconsistent with
14 the minor's sex.

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

18 Section 5. Nothing in this section shall be
19 construed to establish a new or separate standard of care for
20 hospitals or physicians and their patients or otherwise
21 modify, amend, or supersede any provision of the Alabama
22 Medical Liability Act of 1987 or the Alabama Medical Liability
23 Act of 1996, or any amendment or judicial interpretation of
24 either act.

25 Section 6. If any part, section, or subsection of
26 this act or the application thereof to any person or
27 circumstances is held invalid, the invalidity shall not affect

1 parts, sections, subsections, or applications of this act that
2 can be given effect without the invalid part, section,
3 subsection, or application.

4 Section 7. Although this bill would have as its
5 purpose or effect the requirement of a new or increased
6 expenditure of local funds, the bill is excluded from further
7 requirements and application under Amendment 621, now
8 appearing as Section 111.05 of the Official Recompilation of
9 the Constitution of Alabama of 1901, as amended, because the
10 bill defines a new crime or amends the definition of an
11 existing crime.

12 Section 8. This act shall become effective 30 days
13 following its passage and approval by the Governor, or its
14 otherwise becoming law.