

Senate Bill 140

By: Senators Summers of the 13th, Watson of the 1st, Kirkpatrick of the 32nd, Kennedy of the 18th, Anderson of the 24th and others

AS PASSED SENATE

A BILL TO BE ENTITLED

AN ACT

1 To amend Article 1 of Chapter 7 of Title 31 of the Official Code of Georgia Annotated,
2 relating to regulation of hospitals and related institutions, so as to prohibit certain surgical
3 procedures for the treatment of gender dysphoria in minors from being performed in
4 hospitals and other licensed healthcare facilities; to provide for exceptions; to provide for
5 violations; to amend Article 1 of Chapter 34 of Title 43 of the Official Code of Georgia
6 Annotated, relating to the Georgia Composite Medical Board, so as to prohibit certain
7 surgical procedures for the treatment of gender dysphoria in minors; to provide for
8 exceptions; to provide for violations; to provide for legislative findings; to provide for related
9 matters; to repeal conflicting laws; and for other purposes.

10 **BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:**

11 **SECTION 1.**

12 The General Assembly finds that:

13 (1) There has been a massive unexplained rise in diagnoses of gender dysphoria among
14 children over the past ten years, with most of those experiencing this phenomenon being
15 girls;

16 (2) Gender dysphoria is often comorbid with other mental health and developmental
17 conditions, including autism spectrum disorder;

S. B. 140

- 18 (3) A significant portion of children with gender dysphoria do not persist in their gender
19 dysphoric conditions past early adulthood;
- 20 (4) Certain medical treatments for gender dysphoria, including hormone replacement
21 therapies and surgeries, have permanent and irreversible effects on children;
- 22 (5) No large-scale studies have tracked people who received gender-related medical care
23 as children to determine how many remained satisfied with their treatment as they aged
24 and how many eventually regretted transitioning; on the contrary, the General Assembly
25 is aware of statistics showing a rising number of such individuals who, as adults, have
26 regretted undergoing such treatment and the permanent physical harm it caused;
- 27 (6) Under the principle of "do no harm," taking a wait-and-see approach to minors with
28 gender dysphoria, providing counseling, and allowing the child time to mature and
29 develop his or her own identity is preferable to causing the child permanent physical
30 damage; and
- 31 (7) The General Assembly has an obligation to protect children, whose brains and
32 executive functioning are still developing, from undergoing unnecessary and irreversible
33 medical treatment.

34 **SECTION 2.**

35 Article 1 of Chapter 7 of Title 31 of the Official Code of Georgia Annotated, relating to
36 regulation of hospitals and related institutions, is amended by adding a new Code section to
37 read as follows:

38 "31-7-3.5.

39 (a) Except as provided in subsection (b) of this Code section, none of the following
40 irreversible procedures or therapies shall be performed on a minor for the treatment of
41 gender dysphoria in an institution licensed pursuant to this article:

42 (1) Sex reassignment surgeries, or any other surgical procedures, that are performed for
43 the purpose of altering primary or secondary sexual characteristics; or

44 (2) Hormone replacement therapies.

45 (b) The provisions of subsection (a) of this Code section shall not apply to treatment
46 provided pursuant to an exception contained in subsection (b) of Code Section 43-34-15.

47 (c) The department shall establish sanctions, by rule and regulation, for violations of this
48 Code section up to and including the revocation of an institution's permit issued pursuant
49 to Code Section 31-7-3."

50 **SECTION 3.**

51 Article 1 of Chapter 34 of Title 43 of the Official Code of Georgia Annotated, relating to the
52 Georgia Composite Medical Board, is amending by adding a new Code section to read as
53 follows:

54 "43-34-15.

55 (a) Except as otherwise provided in subsection (b) of this Code section, the following
56 irreversible procedures and therapies performed on a minor for the treatment of gender
57 dysphoria are prohibited in this state:

58 (1) Sex reassignment surgeries, or any other surgical procedures, that are performed for
59 the purpose of altering primary or secondary sexual characteristics; and

60 (2) Hormone replacement therapies.

61 (b) The board shall adopt rules and regulations regarding the prohibitions contained in
62 subsection (a) of this Code section, which shall contain limited exceptions for:

63 (1) Treatments for medical conditions other than gender dysphoria or for the purpose of
64 sex reassignment where such treatments are deemed medically necessary;

65 (2) Treatments for individuals born with a medically verifiable disorder of sex
66 development, including individuals born with ambiguous genitalia or chromosomal
67 abnormalities resulting in ambiguity regarding the individual's biological sex;

68 (3) Treatments for individuals with partial androgen insensitivity syndrome; and

69 (4) Continued treatment of minors who are, prior to July 1, 2023, being treated with
70 irreversible hormone replacement therapies.

71 (c) A licensed physician who violates this Code section shall be held administratively
72 accountable to the board for such violation but shall not be held civilly liable for damages
73 to any person in any civil or administrative action or criminally responsible for injury,
74 death, or loss to person or property on the basis that such physician did or did not comply
75 with this Code section."

76 **SECTION 4.**

77 All laws and parts of laws in conflict with this Act are repealed.