

# HOUSE BILL No. 1242

---

## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 16-18-2; IC 16-35-10.

**Synopsis:** Consent for intersex children in state custody. Provides that, except when medically necessary, a person, including a governmental entity, may not consent to allow a gender differentiation procedure for an intersex child if the child is in the custody or under the supervision of the state. Provides that a juvenile court having jurisdiction over the intersex child may allow the intersex child to provide consent for a gender differentiation procedure if certain conditions are met.

**Effective:** July 1, 2016.

---

---

## Clere

---

---

January 11, 2016, read first time and referred to Committee on Family, Children and Human Affairs.

---

---



Second Regular Session of the 119th General Assembly (2016)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2015 Regular Session of the General Assembly.

## HOUSE BILL No. 1242

---

A BILL FOR AN ACT to amend the Indiana Code concerning health.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 16-18-2-144.5 IS ADDED TO THE INDIANA  
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
3 [EFFECTIVE JULY 1, 2016]: **Sec. 144.5. "Gender differentiation**  
4 **procedure", for purposes of IC 16-35-10, has the meaning set forth**  
5 **in IC 16-35-10-1.**

6 SECTION 2. IC 16-18-2-191.7 IS ADDED TO THE INDIANA  
7 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
8 [EFFECTIVE JULY 1, 2016]: **Sec. 191.7. "Intersex child", for**  
9 **purposes of IC 16-35-10, has the meaning set forth in**  
10 **IC 16-35-10-2.**

11 SECTION 3. IC 16-18-2-224.1 IS ADDED TO THE INDIANA  
12 CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
13 [EFFECTIVE JULY 1, 2016]: **Sec. 224.1. "Medically necessary", for**  
14 **purposes of IC 16-35-10, has the meaning set forth in**  
15 **IC 16-35-10-3.**

16 SECTION 4. IC 16-35-10 IS ADDED TO THE INDIANA CODE  
17 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE



- 1 JULY 1, 2016]:  
 2 **Chapter 10. Consent for Gender Differentiation Procedure for**  
 3 **an Intersex Child**  
 4 **Sec. 1. As used in this chapter, "gender differentiation**  
 5 **procedure" means any gender assignment surgery, genital surgery,**  
 6 **or hormonal treatment.**  
 7 **Sec. 2. As used in this chapter, "intersex child" means an**  
 8 **individual who is less than eighteen (18) years of age and has:**  
 9 (1) the reproductive organs or external sexual characteristics  
 10 of both a male and a female; or  
 11 (2) sexual characteristics that are ambiguous.  
 12 **Sec. 3. As used in this chapter, "medically necessary" means a**  
 13 **health care service or treatment that:**  
 14 (1) is needed to treat an injury, illness, disease, or condition  
 15 affecting the intersex child's physical health;  
 16 (2) would likely adversely affect the intersex child's physical  
 17 health if not provided; and  
 18 (3) maintains, to the extent possible, the sexual characteristics  
 19 and structures of the intersex child.  
 20 **Sec. 4. Except when medically necessary, a person, including a**  
 21 **governmental entity, may not consent to allow a gender**  
 22 **differentiation procedure for an intersex child if the child is:**  
 23 (1) a child adjudicated to be a child in need of services under  
 24 IC 31-34, including a child who is subject to dual status under  
 25 IC 31-41-1;  
 26 (2) a child placed in the custody of the department of child  
 27 services under IC 31-35-6-1;  
 28 (3) a child placed under the supervision or in the custody of  
 29 the department of child services by an order of the court;  
 30 (4) a child placed under the care of a person granted the  
 31 wardship of the child; or  
 32 (5) a delinquent child as defined by IC 31-9-2-37(a).  
 33 **Sec. 5. A juvenile court having jurisdiction over an intersex**  
 34 **child described in section 4(1) through 4(5) of this chapter may**  
 35 **allow the intersex child to provide consent for a gender**  
 36 **differentiation procedure if:**  
 37 (1) the intersex child has undergone an evaluation by:  
 38 (A) a psychologist; and  
 39 (B) a physician;  
 40 who are each experts in the treatment of intersex conditions;  
 41 (2) the intersex child has been provided full knowledge of the  
 42 possible risks and benefits of the gender differentiation



1           **procedure; and**  
2           **(3) the court believes that the intersex child has the maturity**  
3           **to provide informed consent.**

