

SECOND REGULAR SESSION

# HOUSE BILL NO. 2649

## 101ST GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE POLLOCK (123).

4167H.011

DANA RADEMAN MILLER, Chief Clerk

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### AN ACT

To amend chapters 191 and 376, RSMo, by adding thereto six new sections relating to gender transition procedures.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Chapters 191 and 376, RSMo, are amended by adding thereto six new sections, to be known as sections 191.1720, 191.1725, 191.1730, 191.1735, 191.1740, and 376.1280, to read as follows:

**191.1720. Sections 191.1720 to 191.1740 and section 376.1280 shall be known and may be cited as the "Missouri Save Adolescents from Experimentation (SAFE) Act".**

**191.1725. For purposes of sections 191.1725 to 191.1740, the following terms mean:**

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

**(2) "Cross-sex hormones":**

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

**(b) Estrogen given to biological sex males in amounts that are larger or more potent than would normally occur naturally in healthy biological sex males;**

EXPLANATION — Matter enclosed in bold-faced brackets ~~thus~~ in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

14           **(3) "Gender", the psychological, behavioral, social, and cultural aspects of being**  
15 **male or female;**

16           **(4) "Gender reassignment surgery", any medical or surgical service that seeks to**  
17 **surgically alter or remove healthy physical or anatomical characteristics or features that**  
18 **are typical for the individual's biological sex in order to instill or create physiological or**  
19 **anatomical characteristics that resemble a sex different from the individual's biological**  
20 **sex including, but not limited to, genital or nongenital gender reassignment surgery**  
21 **performed for the purpose of assisting an individual with a gender transition;**

22           **(5) "Gender transition", the process in which an individual goes from**  
23 **identifying with and living as a gender that corresponds to his or her biological sex to**  
24 **identifying and living as a gender different from his or her biological sex, and may**  
25 **involve social, legal, or physical changes;**

26           **(6) "Gender transition procedures":**

27           **(a) Any medical or surgical service, including, but not limited to, physician's**  
28 **services, inpatient and outpatient hospital services, or prescribed drugs, related to**  
29 **gender transition that seeks to:**

30           **a. Alter or remove physical or anatomical characteristics or features that are**  
31 **typical for the individual's biological sex; or**

32           **b. Instill or create physiological or anatomical characteristics that resemble a sex**  
33 **different from the individual's biological sex including, but not limited to:**

34           **(i) Medical services that provide puberty-blocking drugs, cross-sex hormones, or**  
35 **other mechanisms to promote the development of feminizing or masculinizing features**  
36 **in the opposite biological sex; or**

37           **(ii) Genital or nongenital gender reassignment surgery performed for the**  
38 **purpose of assisting an individual with a gender transition;**

39           **(b) The term "gender transition procedures" shall not include:**

40           **a. Services to individuals born with a medically verifiable disorder of sex**  
41 **development including, but not limited to, an individual with external biological sex**  
42 **characteristics that are irresolvably ambiguous, such as those born with 46 XX**  
43 **chromosomes with virilization, 46 XY chromosomes with undervirilization, or having**  
44 **both ovarian and testicular tissue;**

45           **b. Services provided when a physician has otherwise diagnosed an individual**  
46 **with a disorder of sexual development and determined through genetic or biochemical**  
47 **testing that the individual does not have normal sex chromosome structure, sex steroid**  
48 **hormone production, or sex steroid hormone action;**

49           **c. The treatment of any infection, injury, disease, or disorder that has been**  
50 **caused by or exacerbated by the performance of gender transition procedures**

51 regardless of whether the gender transition procedure was performed in accordance  
52 with state and federal law or whether funding for the gender transition procedure is  
53 permissible under section 191.1735; or

54 d. Any procedure undertaken because the individual suffers from a physical  
55 disorder, physical injury, or physical illness that would, as certified by a physician, place  
56 the individual in imminent danger of death or impairment of a major bodily function  
57 unless surgery is performed;

58 (7) "Genital gender reassignment surgery", a medical procedure performed for  
59 the purpose of assisting an individual with a gender transition including, but not limited  
60 to:

61 (a) Surgical procedures such as penectomy, orchiectomy, vaginoplasty,  
62 clitoroplasty, or vulvoplasty for biologically male patients or hysterectomy or  
63 ovariectomy for biologically female patients;

64 (b) Reconstruction of the fixed part of the urethra with or without a  
65 metoidioplasty; or

66 (c) Phalloplasty, vaginectomy, scrotoplasty, or implantation of erection or  
67 testicular prostheses for biologically female patients;

68 (8) "Health care professional", an individual who is licensed, certified, or  
69 otherwise authorized by the laws of this state to administer health care in the ordinary  
70 course of the practice of his or her profession;

71 (9) "Nongenital gender reassignment surgery", medical procedures performed  
72 for the purpose of assisting an individual with a gender transition including, but not  
73 limited to:

74 (a) Surgical procedures for biologically male patients, such as augmentation  
75 mammoplasty, facial feminization surgery, liposuction, lipofilling, voice surgery, thyroid  
76 cartilage reduction, gluteal augmentation, hair reconstruction, or various aesthetic  
77 procedures; or

78 (b) Surgical procedures for biologically female patients, such as subcutaneous  
79 mastectomy, voice surgery, liposuction, lipofilling, pectoral implants, or various  
80 aesthetic procedures;

81 (10) "Physician", an individual who is licensed to practice medicine in this state;

82 (11) "Puberty-blocking drugs", gonadotropin-releasing hormone analogues or  
83 other synthetic drugs used in biological sex males to stop luteinizing hormone secretion  
84 and therefore testosterone secretion, or synthetic drugs used in biological sex females  
85 that stop the production of estrogens and progesterone, when used to delay or suppress  
86 pubertal development in children for the purpose of assisting an individual with a  
87 gender transition;

88           (12) "Public funds", state, county, or local government moneys, including any  
89 such moneys deposited with or derived from any department, agency, or instrumentality  
90 authorized or appropriated under state law.

          191.1730. 1. A physician or other health care professional shall not provide  
2 gender transition procedures to any individual under eighteen years of age.

3           2. A physician or other health care professional shall not refer any individual  
4 under eighteen years of age to any health care professional for gender transition  
5 procedures.

6           3. A physician or other health care professional shall not be prohibited from  
7 providing any of the following procedures that are not gender transition procedures to  
8 an individual under eighteen years of age:

9           (1) Services to individuals born with a medically verifiable disorder of sex  
10 development including, but not limited to, an individual with external biological sex  
11 characteristics that are irresolvably ambiguous, such as those born with 46 XX  
12 chromosomes with virilization, 46 XY chromosomes with undervirilization, or having  
13 both ovarian and testicular tissue;

14           (2) Services provided when a physician has otherwise diagnosed an individual  
15 with a disorder of sexual development and determined through genetic or biochemical  
16 testing that the individual does not have normal sex chromosome structure, sex steroid  
17 hormone production, or sex steroid hormone action;

18           (3) The treatment of any infection, injury, disease, or disorder that has been  
19 caused by or exacerbated by the performance of gender transition procedures  
20 regardless of whether the gender transition procedure was performed in accordance  
21 with state and federal law or whether funding for the gender transition procedure is  
22 permissible under section 191.1735; or

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

          191.1735. 1. Public funds shall not be directly or indirectly used, granted, paid,  
2 or distributed to any individual, entity, or organization that provides gender transition  
3 procedures to an individual under eighteen years of age.

4           2. Health care services furnished in the following situations shall not include  
5 gender transition procedures to an individual under eighteen years of age:

6           (1) By or in a health care facility owned by the state or a county or local  
7 government; or

8           **(2) By a physician or other health care professional employed by the state or a**  
9 **county or local government.**

10           **3. Any amount paid by an individual or an entity during a tax year for the**  
11 **provision of gender transition procedures or as premiums for health care coverage that**  
12 **includes coverage for gender transition procedures shall not be tax deductible.**

13           **4. The MO HealthNet program shall not reimburse or provide coverage for**  
14 **gender transition procedures to an individual under eighteen years of age.**

**191.1740. 1. Any referral for or provision of gender transition procedures to an**  
2 **individual under eighteen years of age is unprofessional conduct and shall be subject to**  
3 **discipline by the appropriate licensing entity or disciplinary review board with**  
4 **competent jurisdiction in this state.**

5           **2. An individual may assert an actual or threatened violation of sections**  
6 **191.1725 to 191.1740 as a claim or defense in a judicial or administrative proceeding and**  
7 **obtain compensatory damages, injunctive relief, declaratory relief, or any other**  
8 **appropriate relief.**

9           **3. (1) An individual shall bring a claim for a violation of sections 191.1725 to**  
10 **191.1740 no later than two years after the day the cause of action accrues.**

11           **(2) An individual under eighteen years of age may bring an action throughout**  
12 **the individual's minority through a parent or next friend and may bring an action in the**  
13 **individual's own name upon reaching the age of majority at any time from that point**  
14 **until twenty years after reaching the age of majority.**

15           **4. Notwithstanding any other provision of law, an action under sections 191.1725**  
16 **to 191.1740 may be commenced, and relief may be granted, in a judicial proceeding**  
17 **without regard to whether the individual commencing the action has sought or**  
18 **exhausted available administrative remedies.**

19           **5. In any action or proceeding to enforce a provision of sections 191.1725 to**  
20 **191.1740, a prevailing party who establishes a violation of sections 191.1725 to 191.1740**  
21 **shall recover reasonable attorney's fees.**

22           **6. (1) The attorney general may bring an action to enforce compliance with**  
23 **sections 191.1725 to 191.1740.**

24           **(2) Sections 191.1725 to 191.1740 do not deny, impair, or otherwise affect any**  
25 **right or authority of the attorney general, the state, or any agency, officer, or employee**  
26 **of the state, acting under any law other than sections 191.1725 to 191.1740, to institute**  
27 **or intervene in any proceeding.**

**376.1280. 1. For purposes of this section, the following terms mean:**

2           **(1) "Gender transition procedures", the same meaning given to the term in**  
3 **section 191.1725;**

4           **(2) "Health benefit plan", the same meaning given to the term in section**  
5 **376.1350;**

6           **(3) "Health carrier", the same meaning given to the term in section 376.1350.**

7           **2. A health carrier or health benefit plan that offers or issues health benefit**  
8 **plans that are delivered, issued for delivery, continued, or renewed in this state on or**  
9 **after January 1, 2023, shall not include reimbursement for gender transition procedures**  
10 **for an individual under eighteen years of age.**

11           **3. A health carrier or health benefit plan that offers or issues health benefit**  
12 **plans that are delivered, issued for delivery, continued, or renewed in this state on or**  
13 **after January 1, 2023, shall not be required to provide coverage for gender transition**  
14 **procedures.**

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