

Introduced by

Representatives Tveit, D. Anderson, Bellew, Prichard, Rohr, VanWinkle

Senators Boehm, Clemens, Estenson, Luick, Myrdal, Vedaa

1 A BILL for an Act to create and enact chapter 12.1-36.1 of the North Dakota Century Code,  
2 relating to the prohibition of certain practices against a minor; to provide a penalty; and to  
3 declare an emergency.

4 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

5 **SECTION 1.** Chapter 12.1-36.1 of the North Dakota Century Code is created and enacted  
6 as follows:

7 **12.1-36.1-01. Definitions.**

8 As used in this chapter:

- 9 1. "Health care provider" means a licensed physician, physician assistant, nurse, or a  
10 certified medical assistant.  
11 2. "Minor" means an individual under the age of eighteen. The term includes an  
12 emancipated individual.  
13 3. "Sex" means the biological state of being female or male, based on the individual's  
14 nonambiguous sex organs, chromosomes, and endogenous hormone profiles at birth.

15 **12.1-36.1-02. Perception of a minor's sex - Prohibited practices - Penalty.**

- 16 1. Except as provided under section 12.1-36.1-03, if a minor's perception of the minor's  
17 sex is inconsistent with the minor's sex, a health care provider may not engage in any  
18 of the following practices for the purpose of changing or affirming the minor's  
19 perception of the minor's sex:  
20 a. Perform castration, vasectomy, hysterectomy, oophorectomy, metoidioplasty,  
21 orchiectomy, penectomy, phalloplasty, or vaginoplasty;  
22 b. Perform a mastectomy;

- 1           c. Prescribe, dispense, administer, or otherwise supply any drug that has the  
2           purpose of aligning the minor's sex with the minor's perception of the minor's sex  
3           when the perception is inconsistent with the minor's sex, including:  
4           (1) Puberty-blocking medication to stop normal puberty;  
5           (2) Supraphysiologic doses of testosterone to females; or  
6           (3) Supraphysiologic doses of estrogen to males; or  
7           d. Remove any otherwise healthy or nondiseased body part or tissue, except for a  
8           male circumcision.  
9           2. A health care provider who willfully violates:  
10           a. Subdivisions a, b, or d of subsection 1 is guilty of a class B felony.  
11           b. Subdivision c of subsection 1 is guilty of a class A misdemeanor.

12           **12.1-36.1-03. Exceptions.**

13           Section 12.1-36.1-02 does not apply:

- 14           1. To the good-faith medical decision of a parent or guardian of a minor born with a  
15           medically verifiable genetic disorder of sex development, including:  
16           a. A minor with external biological sex characteristics that are irresolvably  
17           ambiguous, including having forty-six, XX chromosomes with virilization, forty-six,  
18           XY chromosomes with undervirilization, or having both ovarian and testicular  
19           tissue; or  
20           b. When a physician otherwise has diagnosed a disorder of sexual development in  
21           which the physician, through genetic testing, has determined the minor does not  
22           have the normal sex chromosome structure for a male or female; or  
23           2. If performance or administration of the medical procedure on the minor began before  
24           the effective date of this Act.

25           **12.1-36.1-04. Statutory limitation.**

26           Notwithstanding the limitations of section 29-04-02, prosecution for a violation of section  
27           12.1-36.1-02 must be commenced within three years of the date of the offense or within three  
28           years after the offense is reported to law enforcement, whichever is later.

29           **SECTION 2. EMERGENCY.** This Act is declared to be an emergency measure.