

**FIRST ENGROSSMENT  
with Senate Amendments  
ENGROSSED HOUSE BILL NO. 1254**

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. "Mental health professional" is defined pursuant to subsection 11 of section  
12 25-03.1-02.
- 13 3. "Minor" means an individual under the age of eighteen. The term includes an  
14 emancipated individual.
- 15 4. "Pre-pubertal" means an individual who has not yet entered puberty.
- 16 5. "Puberty" means the period of a minor's development during which secondary sex  
17 characteristics start to developing.
- 18 6. "Sex" means the biological state of being female or male, based on the individual's  
19 nonambiguous sex organs, chromosomes, and endogenous hormone profiles at birth.

20 **12.1-36.1-02. Perception of a minor's sex - Prohibited practices - Penalty.**

- 21 1. Except as provided under section 12.1-36.1-03, if a minor's perception of the minor's  
22 sex is inconsistent with the minor's sex, a health care provider may not engage in any  
23 of the following practices for the purpose of changing or affirming the minor's  
24 perception of the minor's sex:

- 1           a. Perform castration, vasectomy, hysterectomy, oophorectomy, metoidioplasty,
- 2                   orchiectomy, penectomy, phalloplasty, or vaginoplasty;
- 3           b. Perform a mastectomy;
- 4           c. Remove any otherwise healthy or nondiseased body part or tissue, except for a
- 5                   male circumcision.
- 6           d. Prescribe supraphysiologic doses of testosterone to females; or
- 7           e. Prescribe supraphysiologic doses of estrogen to males.
- 8       2. Except as provided in section 12.1-36.1-03, a health care provider may not prescribe
- 9           puberty-blocking medication to any minor unless:
- 10           a. The minor has received mental health care for at least twelve consecutive
- 11                   months prior, as documented by a mental health professional; and
- 12           b. The minor has begun to experience puberty, as documented by a medical
- 13                   provider.
- 14       3. Except as provided in section 12.1-36.1-03, a health care provider may not, for the
- 15           purpose of changing the sex of a pre-pubertal, engage in prescribing, dispensing,
- 16           administering, or otherwise supplying any drug for the purpose of aligning the
- 17           pre-pubertal's sex with the pre-pubertal's perception of the pre-pubertal's sex when the
- 18           perception is inconsistent with the pre-pubertal's sex, including puberty-blocking
- 19           medication to stop normal puberty.
- 20       4. A health care provider who willfully violates:
- 21           a. Subdivisions a, b, or c of subsection 1 is guilty of a class B felony.
- 22           b. Subdivisions d or e of subsection 1, subsection 2, or subsection 3 is guilty of an
- 23                   infraction.
- 24       **12.1-36.1-03. Exceptions.**
- 25       Section 12.1-36.1-02 does not apply:
- 26       1. To the good-faith medical decision of a parent or guardian of a minor born with a
- 27           medically verifiable genetic disorder of sex development, including:
- 28           a. A minor with external biological sex characteristics that are irresolvably
- 29                   ambiguous, including having forty-six, XX chromosomes with virilization, forty-six,
- 30                   XY chromosomes with undervirilization, or having both ovarian and testicular
- 31                   tissue; or

- 1           b. When a physician otherwise has diagnosed a disorder of sexual development in  
2           which the physician, through genetic testing, has determined the minor does not  
3           have the normal sex chromosome structure for a male or female; or  
4           2. If performance or administration of the medical procedure on the minor began before  
5           the effective date of this Act.

6           **12.1-36.1-04. Statutory limitation.**

7           Notwithstanding the limitations of section 29-04-02, prosecution for a violation of section  
8           12.1-36.1-02 must be commenced within three years of the date of the offense or within three  
9           years after the offense is reported to law enforcement, whichever is later.

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