

STATE OF OKLAHOMA

1st Session of the 59th Legislature (2023)

SENATE BILL 250

By: Dahm

AS INTRODUCED

An Act relating to public programs; defining terms; prohibiting public funding for provider of gender transition procedures; allowing ineligible provider to reapply for funding under certain conditions; requiring Oklahoma Health Care Authority to publish certain findings; providing certain construction; providing for codification; and declaring an emergency.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1005.11 of Title 56, unless there is created a duplication in numbering, reads as follows:

A. For purposes of this section:

1. "Provider" means a provider of services for compensation;

2. "Affiliate" means an entity which licenses the use of a trademark or other recognized name to the provider, and which exercises control over the use of part or all of the provider's name, or any entity so licensed or controlled; and

3. a. "Gender transition procedures" means any medical or surgical service, including but not limited to

1 physician's services, inpatient and outpatient
2 hospital services, or prescribed drugs related to
3 gender transition that seeks to:

4 (1) alter or remove physical or anatomical
5 characteristics or features that are typical for
6 the individual's biological sex, or

7 (2) instill or create physiological or anatomical
8 characteristics that resemble a sex different
9 from the individual's biological sex, including
10 but not limited to medical services that provide
11 puberty-blocking drugs, cross-sex hormones, or
12 other mechanisms to promote the development of
13 feminizing or masculinizing features in the
14 opposite biological sex, or genital or nongenital
15 gender reassignment surgery performed for the
16 purpose of assisting an individual with a gender
17 transition.

18 b. Gender transition procedures do not include:

19 (1) services to persons born with a medically
20 verifiable disorder of sex development, including
21 a person with external biological sex
22 characteristics that are irresolvably ambiguous,
23 such as those born with 46 XX chromosomes with
24 virilization, 46 XY chromosomes with

1 undervirilization, or having both ovarian and
2 testicular tissue,

3 (2) services provided when a physician has otherwise
4 diagnosed a disorder of sexual development that
5 the physician has determined through genetic or
6 biochemical testing that the person does not have
7 normal sex chromosome structure, sex steroid
8 hormone production, or sex steroid hormone
9 action,

10 (3) the treatment of any infection, injury, disease,
11 or disorder that has been caused by or
12 exacerbated by the performance of gender
13 transition procedures, whether or not the gender
14 transition procedure was performed in accordance
15 with state and federal law, or

16 (4) any procedure undertaken because the individual
17 suffers from a physical disorder, physical
18 injury, or physical illness that would, as
19 certified by a physician, place the individual in
20 imminent danger of death or impairment of major
21 bodily function unless surgery is performed.

22 B. No provider shall be eligible for reimbursement through
23 Medicaid or any other federal or state program or any other funding
24 from any political subdivision of this state including but not

1 limited to cities, towns, municipalities, or counties, directly or
2 by subcontract with any other party, if that provider, or any
3 affiliate of that provider, performs gender transition procedures.

4 C. Any providers found to be ineligible for reimbursement or
5 other funding pursuant to this section shall be able to reapply
6 after a period of five (5) years and a showing that they and their
7 affiliates no longer participate in gender transition procedures.

8 D. Within sixty (60) calendar days of receipt of a complaint of
9 a violation under this section, the Oklahoma Health Care Authority
10 shall publish the findings of its investigation of the complaint and
11 issue a determination of whether a provider has committed a
12 violation of the provisions of this section. Nothing in this
13 section shall preclude other law enforcement entities or a party in
14 qui tam litigation from initiating action regarding this section.

15 SECTION 2. It being immediately necessary for the preservation
16 of the public peace, health or safety, an emergency is hereby
17 declared to exist, by reason whereof this act shall take effect and
18 be in full force from and after its passage and approval.

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