

1 HB1  
2 207577-2  
3 By Representatives Allen, Holmes, Pettus, Mooney and Brown (C)  
4 RFD: Judiciary  
5 First Read: 02-FEB-21  
6 PFD: 07/17/2020

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8       SYNOPSIS:               This bill would prohibit the performance of  
9                               a medical procedure or the prescription or issuance  
10                              of medication, upon or to a minor child, that is  
11                              intended to alter the appearance of the minor  
12                              child's gender or delay puberty, with certain  
13                              exceptions.

14                            This bill would provide for the disclosure  
15                            of certain information concerning students to  
16                            parents by schools.

17                            This bill would also establish criminal  
18                            penalties for violations.

19                            Amendment 621 of the Constitution of Alabama  
20                            of 1901, now appearing as Section 111.05 of the  
21                            Official Recompilation of the Constitution of  
22                            Alabama of 1901, as amended, prohibits a general  
23                            law whose purpose or effect would be to require a  
24                            new or increased expenditure of local funds from  
25                            becoming effective with regard to a local  
26                            governmental entity without enactment by a 2/3 vote  
27                            unless: it comes within one of a number of

1 specified exceptions; it is approved by the  
2 affected entity; or the Legislature appropriates  
3 funds, or provides a local source of revenue, to  
4 the entity for the purpose.

5 The purpose or effect of this bill would be  
6 to require a new or increased expenditure of local  
7 funds within the meaning of the amendment. However,  
8 the bill does not require approval of a local  
9 governmental entity or enactment by a 2/3 vote to  
10 become effective because it comes within one of the  
11 specified exceptions contained in the amendment.

12  
13 A BILL  
14 TO BE ENTITLED  
15 AN ACT  
16

17 Relating to public health; to prohibit the  
18 performance of a medical procedure or the prescription or  
19 issuance of medication, upon or to a minor child, that is  
20 intended to alter the minor child's gender or delay puberty;  
21 to provide for exceptions; to provide for disclosure of  
22 certain information concerning students to parents by schools;  
23 and to establish criminal penalties for violations; and in  
24 connection therewith would have as its purpose or effect the  
25 requirement of a new or increased expenditure of local funds  
26 within the meaning of Amendment 621 of the Constitution of  
27 Alabama of 1901, now appearing as Section 111.05 of the

1 Official Recompilation of the Constitution of Alabama of 1901,  
2 as amended.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

4 Section 1. This act shall be known and may be cited  
5 as the Alabama Vulnerable Child Compassion and Protection Act  
6 (V-CAP).

7 Section 2. The Legislature finds as follows:

8 (1) The long-term effects and safety of the  
9 administration of puberty blocking medications and cross-sex  
10 hormones to gender incongruent children have not been  
11 rigorously studied. Absent rigorous studies showing their  
12 long-term safety and positive benefits, their continued  
13 administration to children constitutes dangerous and  
14 uncontrolled human medical experimentation that may result in  
15 grave and irreversible consequences to their physical and  
16 mental health.

17 (2) Studies have shown that a substantial majority  
18 of pre-pubescent children who claim a gender identity  
19 different from their biological sex will ultimately identify  
20 with their biological sex by young adulthood or sooner when  
21 supported through their natural puberty. There is no  
22 psychological or medical test that can differentiate between  
23 the majority of children who will desist from their gender  
24 incongruence and the minority who will not. Research shows  
25 that the administration of puberty blocking medications or  
26 cross-sex hormones forecloses the possibility of a natural  
27 recovery from this condition.

1           (3) There are no rigorous studies that show that  
2 gender changing therapies performed on children, including the  
3 administration of puberty blocking medications, the  
4 administration of opposite sex hormones, or surgeries intended  
5 to approximate the appearance of the opposite sex have any  
6 long-term beneficial effect, including a reduction in suicide  
7 risk. To the contrary, such interventions carry elevated risks  
8 for sterility, loss of sexual function, bone fractures,  
9 thromboembolic and cardiovascular disease, malignancy, and may  
10 even contribute to mental illness and suicide.

11           (4) The continued performing of these therapies upon  
12 children constitutes a public health risk.

13           (5) The police power of the state is held to embrace  
14 reasonable regulations to protect the public health. That  
15 authority over children is broader than that over adults.  
16 *Jacobson v. Massachusetts*, 197 U.S. 11 (1905); *Prince v.*  
17 *Massachusetts*, 321 U.S. 158 (1944).

18           Section 3. For the purposes of this act, the  
19 following terms shall have the following meanings:

20           (1) MINOR. The same meaning as in Section 43-8-1,  
21 Code of Alabama 1975.

22           (2) PERSON. Includes any of the following:

23           a. Any individual.

24           b. Any agent, employee, official, or contractor of  
25 any legal entity.

1           c. Any agent, employee, official, or contractor of a  
2 school district or the state or any of its political  
3 subdivisions or agencies.

4           (3) SEX. The biological state of being male or  
5 female, based on the individual's sex organs, chromosomes, and  
6 endogenous hormone profiles.

7           Section 4. (a) Except as provided in subsection (b),  
8 no person shall engage in, counsel, make a referral for, or  
9 cause any of the practices in this subsection to be performed  
10 upon a minor if the practice is performed for the purpose of  
11 attempting to alter the appearance of or affirm the minor's  
12 perception of his or her gender or sex, if that perception is  
13 inconsistent with the minor's biological sex as defined in  
14 this act:

15           (1) Prescribing, dispensing, administering, or  
16 otherwise supplying puberty blocking medication to stop or  
17 delay normal puberty.

18           (2) Prescribing, dispensing, administering, or  
19 otherwise supplying supraphysiologic doses of testosterone or  
20 other androgens to females.

21           (3) Prescribing, dispensing, administering, or  
22 otherwise supplying supraphysiologic doses of estrogen to  
23 males.

24           (4) Performing surgeries that sterilize, including  
25 castration, vasectomy, hysterectomy, oophorectomy,  
26 orchiectomy, and penectomy.

1           (5) Performing surgeries that artificially construct  
2 tissue with the appearance of genitalia that differs from the  
3 individual's biological sex, including metoidioplasty,  
4 phalloplasty, and vaginoplasty.

5           (6) Removing any healthy or non-diseased body part  
6 or tissue.

7           (b) Subsection (a) does not apply to a procedure  
8 undertaken to treat a minor born with a medically verifiable  
9 disorder of sex development, including either of the  
10 following:

11           (1) An individual born with external biological sex  
12 characteristics that are irresolvably ambiguous, including an  
13 individual born with 46 XX chromosomes with virilization, 46  
14 XY chromosomes with under virilization, or having both ovarian  
15 and testicular tissue.

16           (2) An individual whom a physician has otherwise  
17 diagnosed with a disorder of sexual development, in which the  
18 physician has determined through genetic or biochemical  
19 testing that the person does not have normal sex chromosome  
20 structure, sex steroid hormone production, or sex steroid  
21 hormone action for a male or female.

22           (c) A violation of this section is a Class C felony.

23           Section 5. No nurse, counselor, teacher, principal,  
24 or other administrative official at a public or private school  
25 attended by a minor shall do either of the following:

26           (1) Encourage or coerce a minor to withhold from the  
27 minor's parent or legal guardian the fact that the minor's

1 perception of his or her gender or sex is inconsistent with  
2 the minor's sex.

3 (2) Withhold from a minor's parent or legal guardian  
4 information related to a minor's perception that his or her  
5 gender or sex is inconsistent with his or her sex.

6 Section 6. Nothing in this section shall be  
7 construed to establish a new or separate standard of care for  
8 hospitals or physicians and their patients or otherwise  
9 modify, amend, or supersede any provision of the Alabama  
10 Medical Liability Act of 1987 or the Alabama Medical Liability  
11 Act of 1996, or any amendment or judicial interpretation of  
12 either act.

13 Section 7. If any part, section, or subsection of  
14 this act or the application thereof to any person or  
15 circumstances is held invalid, the invalidity shall not affect  
16 parts, sections, subsections, or applications of this act that  
17 can be given effect without the invalid part, section,  
18 subsection, or application.

19 Section 8. Although this bill would have as its  
20 purpose or effect the requirement of a new or increased  
21 expenditure of local funds, the bill is excluded from further  
22 requirements and application under Amendment 621, now  
23 appearing as Section 111.05 of the Official Recompilation of  
24 the Constitution of Alabama of 1901, as amended, because the  
25 bill defines a new crime or amends the definition of an  
26 existing crime.



1                   Section 9. This act shall become effective 30 days  
2 following its passage and approval by the Governor, or its  
3 otherwise becoming law.