

**Second Regular Session
Seventy-second General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 20-0655.01 Jacob Baus x2173

HOUSE BILL 20-1114

HOUSE SPONSORSHIP

Sandridge, Baisley, Bockenfeld, Geitner, Humphrey, Liston, Neville, Pelton, Ransom, Rich, Saine, Soper, Will, Williams D.

SENATE SPONSORSHIP

(None),

House Committees

State, Veterans, & Military Affairs

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE ESTABLISHMENT OF THE "PROTECTION OF MINORS**
102 **FROM MUTILATION AND STERILIZATION ACT".**

Bill Summary

(Note: ,This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill protects minors from mutilation and sterilization. The bill creates a crime of unlawful sex reassignment treatment of a minor. A health care professional commits unlawful sex reassignment treatment of a minor if the person knowingly administers, dispenses, or prescribes a drug or hormone or orders or performs a surgical procedure for the purpose of facilitating sex reassignment of a minor.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

Unlawful sex reassignment treatment of a minor is a class 3 felony.
A health care professional who is convicted of unlawful sex reassignment treatment of a minor is subject to professional disciplinary action.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, **add** 18-6-406 as
3 follows:

4 **18-6-406. Unlawful sex reassignment treatment of a minor -**
5 **short title - definitions.** (1) THE SHORT TITLE OF THIS SECTION IS THE
6 "PROTECTION OF MINORS FROM MUTILATION AND STERILIZATION ACT".

7 (2) A HEALTH CARE PROFESSIONAL COMMITS UNLAWFUL SEX
8 REASSIGNMENT TREATMENT OF A MINOR IF THE PERSON KNOWINGLY
9 ADMINISTERS, DISPENSES, OR PRESCRIBES A DRUG OR HORMONE OR
10 ORDERS OR PERFORMS A SEX REASSIGNMENT SURGICAL PROCEDURE FOR
11 THE PURPOSE OF FACILITATING SEX REASSIGNMENT OF A MINOR.

12 (3) UNLAWFUL SEX REASSIGNMENT TREATMENT OF A MINOR IS A
13 CLASS 3 FELONY.

14 (4) THIS SECTION DOES NOT APPLY TO A HEALTH CARE
15 PROFESSIONAL WHO ADMINISTERS, DISPENSES, OR PRESCRIBES A DRUG OR
16 HORMONE OR ORDERS OR PERFORMS A SURGICAL PROCEDURE FOR THE
17 PURPOSE OF TREATING A MINOR WHO HAS A PHYSICAL DISORDER OF SEX
18 DEVELOPMENT.

19 (5) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
20 REQUIRES:

21 (a) "HEALTH CARE PROFESSIONAL" MEANS:

22 (I) A DENTIST LICENSED PURSUANT TO ARTICLE 220 OF TITLE 12;

23 (II) A PHYSICIAN OR PHYSICIAN ASSISTANT LICENSED PURSUANT

1 TO ARTICLE 240 OF TITLE 12;

2 (III) AN ADVANCED PRACTICE NURSE WITH PRESCRIPTIVE
3 AUTHORITY PURSUANT TO SECTION 12-255-112;

4 (IV) AN OPTOMETRIST LICENSED PURSUANT TO ARTICLE 275 OF
5 TITLE 12; OR

6 (V) A PODIATRIST LICENSED PURSUANT TO ARTICLE 290 OF TITLE
7 12.

8 (b) "MINOR" MEANS A PERSON WHO IS UNDER EIGHTEEN YEARS OF
9 AGE.

10 (c) "SEX REASSIGNMENT SURGICAL PROCEDURE" MEANS A
11 SURGICAL PROCEDURE PERFORMED ON A MINOR WITH THE INTENT TO
12 ALTER OR REMOVE EXISTING HEALTHY SEXUAL ORGANS OR MODIFY THE
13 PHYSICAL APPEARANCE OR FUNCTION OF THE CHARACTERISTICS OF THE
14 INDIVIDUAL IN ORDER TO RESEMBLE THE OPPOSITE SEX. "SEX
15 REASSIGNMENT SURGICAL PROCEDURE" INCLUDES, BUT IS NOT LIMITED TO,
16 MASTECTOMY, HYSTERECTOMY, OOPHORECTOMY, METOIDIOPLASTY,
17 PHALLOPLASTY, VASECTOMY, ORCHIECTOMY, PENECTOMY, AND
18 VAGINOPLASTY.

19 **SECTION 2.** In Colorado Revised Statutes, 12-220-130, **add**
20 (1)(b.5) as follows:

21 **12-220-130. Grounds for disciplinary action - definition.**

22 (1) The board may take disciplinary action against an applicant or
23 licensee in accordance with sections 12-20-404 and 12-220-131 for any
24 of the following causes:

25 (b.5) CONVICTION OF UNLAWFUL SEX REASSIGNMENT TREATMENT
26 OF A MINOR AS DESCRIBED IN SECTION 18-6-406. FOR PURPOSES OF THIS
27 SUBSECTION (1)(b.5), "CONVICTION" INCLUDES THE ENTRY OF A PLEA OF

1 GUILTY OR NOLO CONTENDERE OR THE IMPOSITION OF A DEFERRED
2 SENTENCE.

3 **SECTION 3.** In Colorado Revised Statutes, 12-240-121, **add**
4 (1)(b.5) as follows:

5 **12-240-121. Unprofessional conduct - definitions.**

6 (1) "Unprofessional conduct" as used in this article 240 means:

7 (b.5) A CONVICTION OF UNLAWFUL SEX REASSIGNMENT
8 TREATMENT OF A MINOR AS DESCRIBED IN SECTION 18-6-406. FOR
9 PURPOSES OF THIS SUBSECTION (1)(b.5), "CONVICTION" INCLUDES THE
10 ENTRY OF A PLEA OF GUILTY OR NOLO CONTENDERE OR THE IMPOSITION OF
11 A DEFERRED SENTENCE.

12 **SECTION 4.** In Colorado Revised Statutes, 12-255-120, **add**
13 (1)(b.5) as follows:

14 **12-255-120. Grounds for discipline.** (1) "Grounds for
15 discipline", as used in this article 255, means any action by any person
16 who:

17 (b.5) HAS BEEN CONVICTED OF UNLAWFUL SEX REASSIGNMENT
18 TREATMENT OF A MINOR AS DESCRIBED IN SECTION 18-6-406. FOR
19 PURPOSES OF THIS SUBSECTION (1)(b.5), "CONVICTION" INCLUDES THE
20 ENTRY OF A PLEA OF GUILTY OR NOLO CONTENDERE OR THE IMPOSITION OF
21 A DEFERRED SENTENCE. A CERTIFIED COPY OF THE JUDGMENT OF A COURT
22 OF COMPETENT JURISDICTION OF THE CONVICTION OR PLEA IS PRIMA FACIA
23 EVIDENCE OF THE CONVICTION.

24 **SECTION 5.** In Colorado Revised Statutes, 12-275-120, **add**
25 (1)(r.5) as follows:

26 **12-275-120. Unprofessional conduct - definitions.** (1) The term
27 "unprofessional conduct", as used in this article 275, means:

1 (r.5) A CONVICTION OF UNLAWFUL SEX REASSIGNMENT
2 TREATMENT OF A MINOR AS DESCRIBED IN SECTION 18-6-406. FOR
3 PURPOSES OF THIS SUBSECTION (1)(r.5), "CONVICTION" INCLUDES THE
4 ENTRY OF A PLEA OF GUILTY OR NOLO CONTENDERE OR THE IMPOSITION OF
5 A DEFERRED SENTENCE.

6 **SECTION 6.** In Colorado Revised Statutes, 12-290-108, **add**
7 (3)(b.5) as follows:

8 **12-290-108. Issuance, revocation, or suspension of license -**
9 **probation - unprofessional conduct - definitions - immunity in**
10 **professional review.** (3) "Unprofessional conduct" as used in this article
11 290 means:

12 (b.5) CONVICTION OF UNLAWFUL SEX REASSIGNMENT TREATMENT
13 OF A MINOR AS DESCRIBED IN SECTION 18-6-406. FOR PURPOSES OF THIS
14 SUBSECTION (3)(b.5), "CONVICTION" INCLUDES THE ENTRY OF A PLEA OF
15 GUILTY OR NOLO CONTENDERE OR THE IMPOSITION OF A DEFERRED
16 SENTENCE.

17 **SECTION 7. Potential appropriation.** Pursuant to section
18 2-2-703, C.R.S., any bill that results in a net increase in periods of
19 imprisonment in state correctional facilities must include an appropriation
20 of money that is sufficient to cover any increased capital construction, any
21 operational costs, and increased parole costs that are the result of the bill
22 for the department of corrections in each of the first five years following
23 the effective date of the bill. Because this act may increase periods of
24 imprisonment, this act may require a five-year appropriation.

25 **SECTION 8. Applicability.** This act applies to offenses
26 committed on or after the effective date of this act.

27 **SECTION 9. Safety clause.** The general assembly hereby finds,

- 1 determines, and declares that this act is necessary for the immediate
- 2 preservation of the public peace, health, or safety.