

House Bill 1060

By: Representatives Ehrhart of the 36th, Stephens of the 164th, Jasperse of the 11th, Newton of the 123rd, Petrea of the 166th, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Title 31 of the Official Code of Georgia Annotated, relating to health, so as to
2 prohibit certain licensed, certified, or registered professionals from engaging in certain acts
3 upon minors; to provide for a short title; to provide for definitions; to provide for exceptions;
4 to provide for a penalty and private cause of action; to explicitly waive sovereign immunity,
5 qualified immunity, and official immunity for such a private cause of action; to provide for
6 related matters; to provide for an effective date and for applicability; to repeal conflicting
7 laws; and for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 style="text-align:center">**SECTION 1.**

10 Title 31 of the Official Code of Georgia Annotated, relating to health, is amended by adding
11 a new chapter to read as follows:

12 style="text-align:center">"CHAPTER 20A

13 31-20A-1.

14 This chapter shall be known and may be cited as the 'Vulnerable Child Protection Act.'

15 31-20A-2.

16 As used in this chapter, the term:

17 (1) 'Health care professional' means any individual licensed, certified, registered, or
18 otherwise authorized to provide medical care or mental health services to natural persons,
19 including, but not limited to, those individuals licensed, certified, registered, or otherwise
20 authorized under Chapter 4 of Title 26 or under Chapter 9, 10A, 11, 11A, 26, 28, 29, 30,
21 33, 34, 35, 39, or 44 of Title 43.

22 (2) 'Minor' means an individual who is under the age of 18 years.

23 (3) 'Physician' means an individual licensed to practice medicine pursuant to Article 2
 24 of Chapter 34 of Title 43.

25 (4) 'Sex' means the biological state of being female or male, based on sex organs,
 26 chromosomes, or endogenous hormone profiles.

27 31-20A-3.

28 Except as provided in Code Section 31-20A-4, no health care professional shall engage in
 29 any of the following practices upon a minor, or cause such practices to be performed, for
 30 the purpose of attempting to affirm the minor's perception of such minor's sex, if that
 31 perception is inconsistent with such minor's sex:

32 (1) Performing any surgery that sterilizes, including, but not limited to, castration,
 33 vasectomy, hysterectomy, oophorectomy, metoidioplasty, orchiectomy, penectomy,
 34 phalloplasty, or vaginoplasty;

35 (2) Performing a mastectomy;

36 (3) Removing any otherwise healthy or nondiseased body part or tissue; or

37 (4) Administering or supplying medications that induce transient or permanent infertility,
 38 including, but not limited to:

39 (A) Puberty-blocking medication to stop or delay normal puberty;

40 (B) Supraphysiologic doses of testosterone to females; or

41 (C) Supraphysiologic doses of estrogen to males.

42 31-20A-4.

43 This chapter shall not apply to the medical decision of a parent or guardian of a minor born
 44 with one of the following medically verifiable genetic disorders of sex development:

45 (1) A minor with external biological sex characteristics that are irresolvably ambiguous,
 46 such as a minor born with 46, XX with virilization; 46, XY with undervirilization; or a
 47 minor with both ovarian and testicular tissue; or

48 (2) When a physician has otherwise diagnosed a sex development disorder, in which the
 49 physician has determined through genetic testing that the minor does not have the normal
 50 XY sex chromosome structure for a male or XX sex chromosome structure for a female.

51 31-20A-5.

52 (a) Any health care professional who violates this chapter shall be guilty of a felony and,
 53 upon conviction thereof, shall be punished by imprisonment for not less than one nor more
 54 than ten years.

55 (b) Within ten days of a conviction, a health care professional who is convicted of
 56 violating this chapter shall notify in writing the applicable licensing board for his or her

57 licensure, certification, registration, or other authorization to conduct such health care
58 professional's occupation. Upon being notified and notwithstanding any law, rule, or
59 regulation to the contrary, the appropriate licensing board shall revoke the license,
60 certification, registration, or other authorization to conduct such health care professional's
61 occupation.

62 31-20A-6.

63 No health care professional shall be held civilly or criminally liable for refusing to engage
64 in any practice prohibited under Code Section 31-20A-3.

65 31-20A-7.

66 Any individual aggrieved as a result of a violation of this chapter may bring against any
67 person responsible for such violation an action for damages, reasonable attorney's fees and
68 expenses of litigation, punitive damages where appropriate, and any other relief which the
69 court deems proper. Sovereign immunity, qualified immunity, and official immunity from
70 a lawsuit and liability shall be waived to the extent such a cause of action or liability is
71 created by this chapter.

72 31-20A-8.

73 Nothing in this chapter shall be construed to expand the scope of practice of any health care
74 professional."

75 **SECTION 2.**

76 This Act shall become effective upon its approval by the Governor or upon its becoming law
77 without such approval and shall apply to offenses that occur on or after that date.

78 **SECTION 3.**

79 All laws and parts of laws in conflict with this Act are repealed.