

Senate Bill 140

By: Senators Summers of the 13th, Watson of the 1st, Kirkpatrick of the 32nd, Kennedy of the 18th, Anderson of the 24th and others

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 1 of Chapter 7 of Title 31 of the Official Code of Georgia Annotated,  
2 relating to regulation of hospitals and related institutions, so as to prohibit certain surgical  
3 procedures for the treatment of gender dysphoria in minors from being performed in  
4 hospitals and other licensed healthcare facilities; to provide for exceptions; to provide for  
5 violations; to amend Article 1 of Chapter 34 of Title 43 of the Official Code of Georgia  
6 Annotated, relating to the Georgia Composite Medical Board, so as to prohibit certain  
7 surgical procedures for the treatment of gender dysphoria in minors; to provide for  
8 exceptions; to provide for violations; to provide for legislative findings; to provide for related  
9 matters; to repeal conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 The General Assembly finds that:

13 (1) There has been a massive unexplained rise in diagnoses of gender dysphoria among  
14 children over the past ten years, with most of those experiencing this phenomenon being  
15 girls;

- 16 (2) Gender dysphoria is often comorbid with other mental health and developmental  
17 conditions, including autism spectrum disorder;
- 18 (3) A significant portion of children with gender dysphoria do not persist in their gender  
19 dysphoric conditions past early adulthood;
- 20 (4) Certain medical treatments for gender dysphoria, such as surgeries, have permanent  
21 and irreversible effects on children;
- 22 (5) No large-scale studies have tracked people who received gender-related medical care  
23 as children to determine how many remained satisfied with their treatment as they aged  
24 and how many eventually regretted transitioning; on the contrary, the General Assembly  
25 is aware of statistics showing a rising number of such individuals who, as adults, have  
26 regretted undergoing such treatment and the permanent physical harm it caused;
- 27 (6) Under the principle of "do no harm," taking a wait-and-see approach to minors with  
28 gender dysphoria, providing counseling, and allowing the child time to mature and  
29 develop his or her own identity is preferable to causing the child permanent physical  
30 damage; and
- 31 (7) The General Assembly has an obligation to protect children, whose brains and  
32 executive functioning are still developing, from undergoing unnecessary and irreversible  
33 medical treatment.

34

**SECTION 2.**

35 Article 1 of Chapter 7 of Title 31 of the Official Code of Georgia Annotated, relating to  
36 regulation of hospitals and related institutions, is amended by adding a new Code section to  
37 read as follows:

38 "31-7-3.5.

39 (a) Except as provided in subsection (b) of this Code section, no sex reassignment  
40 surgeries, or any other surgical procedures, that are performed for the purpose of altering

41 primary or secondary sexual characteristics shall be performed on a minor for the treatment  
42 of gender dysphoria in an institution licensed pursuant to this article.

43 (b) The provisions of subsection (a) of this Code section shall not apply to treatment  
44 provided pursuant to an exception contained in subsection (b) of Code Section 43-34-15.

45 (c) The department shall establish sanctions, by rule and regulation, for violations of this  
46 Code section up to and including the revocation of an institution's permit issued pursuant  
47 to Code Section 31-7-3."

48 **SECTION 3.**

49 Article 1 of Chapter 34 of Title 43 of the Official Code of Georgia Annotated, relating to the  
50 Georgia Composite Medical Board, is amending by adding a new Code section to read as  
51 follows:

52 "43-34-15.

53 (a) Except as otherwise provided in subsection (b) of this Code section, sex reassignment  
54 surgeries, or any other surgical procedures, that are for the purpose of altering primary or  
55 secondary sexual characteristics performed on a minor for the treatment of gender  
56 dysphoria are prohibited in this state.

57 (b) The board shall adopt rules and regulations regarding the prohibitions contained in  
58 subsection (a) of this Code section, which may contain limited exceptions for:

59 (1) Treatments for medical conditions other than gender dysphoria or for the purpose of  
60 sex reassignment where such treatments are deemed medically necessary; and

61 (2) Treatments for individuals born with a medically verifiable disorder of sex  
62 development, including individuals born with ambiguous genitalia or chromosomal  
63 abnormalities resulting in ambiguity regarding the individual's biological sex.

64 (c) A licensed physician who violates this Code section shall be held administratively  
65 accountable to the board for such violation but shall not be held civilly liable for damages  
66 to any person in any civil or administrative action or criminally responsible for injury,

67 death, or loss to person or property on the basis that such physician did or did not comply  
68 with this Code section."

69 **SECTION 4.**

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