

Moved by Den Hartog

Seconded by Lakey

IN THE SENATE  
SENATE AMENDMENT TO H.B. NO. 71

AMENDMENT TO THE BILL

1  
2 On page 1 of the printed bill, delete lines 11 through 42; delete page 2;  
3 and on page 3, delete lines 1 through 48, and insert:

4 "SECTION 1. That Chapter 15, Title 18, Idaho Code, be, and the same is  
5 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
6 ignated as Section 18-1506C, Idaho Code, and to read as follows:

7 18-1506C. VULNERABLE CHILD PROTECTION. (1) This section shall be  
8 known and may be cited as the "Vulnerable Child Protection Act."

9 (2) As used in this section:

10 (a) "Child" means any person under eighteen (18) years of age; and

11 (b) "Sex" means the immutable biological and physiological charac-  
12 teristics, specifically the chromosomes and internal and external  
13 reproductive anatomy, genetically determined at conception and gener-  
14 ally recognizable at birth, that define an individual as male or female.

15 (3) A medical provider shall not engage in any of the following prac-  
16 tices upon a child for the purpose of attempting to alter the appearance of or  
17 affirm the child's perception of the child's sex if that perception is incon-  
18 sistent with the child's biological sex:

19 (a) Performing surgeries that sterilize or mutilate, or artificially  
20 construct tissue with the appearance of genitalia that differs from the  
21 child's biological sex, including castration, vasectomy, hysterec-  
22 tomy, oophorectomy, metoidioplasty, orchiectomy, penectomy, phal-  
23 loplasty, clitoroplasty, vaginoplasty, vulvoplasty, ovariectomy, or  
24 reconstruction of the fixed part of the urethra with or without metoid-  
25 ioplasty, phalloplasty, scrotoplasty, or the implantation of erection  
26 or testicular prostheses;

27 (b) Performing a mastectomy;

28 (c) Administering or supplying the following medications that induce  
29 profound morphologic changes in the genitals of a child or induce tran-  
30 sient or permanent infertility:

31 (i) Puberty-blocking medication to stop or delay normal puberty;

32 (ii) Supraphysiological doses of testosterone to a female; or

33 (iii) Supraphysiological doses of estrogen to a male; or

34 (d) Removing any otherwise healthy or nondiseased body part or tissue.

35 (4) A surgical operation or medical intervention shall not be a viola-  
36 tion of this section if the operation or intervention is:

37 (a) Necessary to the health of the person on whom it is performed and is  
38 performed by a person licensed in the place of its performance as a med-  
39 ical practitioner, except that a surgical operation or medical inter-  
40 vention is never necessary to the health of the child on whom it is per-

1 formed if it is for the purpose of attempting to alter the appearance of  
 2 or affirm the child's perception of the child's sex if that perception  
 3 is inconsistent with the child's biological sex;

4 (b) For the treatment of any infection, injury, disease, or disorder  
 5 that has been caused or exacerbated by the performance of gender transi-  
 6 tion procedures, whether or not the procedures were performed in accor-  
 7 dance with state and federal law; or

8 (c) Performed in accordance with the good faith medical decision of a  
 9 parent or guardian of a child born with a medically verifiable genetic  
 10 disorder of sex development, including:

11 (i) A child with external biological sex characteristics that  
 12 are ambiguous and irresolvable, such as a child born having 46, XX  
 13 chromosomes with virilization, 46, XY chromosomes with undervir-  
 14 ilization, or with both ovarian and testicular tissue; or

15 (ii) When a physician has otherwise diagnosed a disorder of sex-  
 16 ual development in which the physician has determined through ge-  
 17 netic testing that the child does not have the normal sex chro-  
 18 mosome structure, sex steroid hormone production, or sex steroid  
 19 hormone action for a male or female.

20 (5) Any medical professional convicted of a violation of this section  
 21 shall be guilty of a felony and shall be imprisoned in the state prison for a  
 22 term of not more than ten (10) years.

23 (6) The provisions of this act are hereby declared to be severable,  
 24 and if any provision of this act or the application of such provision to any  
 25 person or circumstance is declared invalid for any reason, such declaration  
 26 shall not affect the validity of the remaining portions of this section."

27 AMENDMENT TO SECTION 2

28 On page 5, in line 1, delete "~~Female genital~~ Genital" and insert: "Fe-  
 29 male genital"; and following line 2, insert:

30 "Section 18-1506C, Idaho Code (Vulnerable child protection)";

31 CORRECTION TO TITLE

32 On page 1, delete lines 2 through 7, and insert:  
 33 "RELATING TO THE VULNERABLE CHILD PROTECTION ACT; AMENDING CHAPTER 15, TITLE  
 34 18, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 18-1506C, IDAHO CODE,  
 35 TO PROVIDE A SHORT TITLE, TO DEFINE TERMS, TO PROHIBIT CERTAIN PRACTICES  
 36 UPON A CHILD, TO PROVIDE CERTAIN EXEMPTIONS, TO PROVIDE A PENALTY, AND  
 37 TO PROVIDE SEVERABILITY; AMENDING SECTION"; and in line 8, delete "COR-  
 38 RECT".