

HOUSE BILL No. 1505

DIGEST OF INTRODUCED BILL

Citations Affected: IC 16-18-2; IC 16-35-12; IC 34-30-2-70.8; IC 35-52-16-23.5.

Synopsis: Minors transitioning to the opposite sex. Prohibits specified health care professionals from: (1) performing certain medical procedures on a minor; or (2) subjecting a minor to certain activities; with the intent of assisting the minor to physically transition to a gender that is inconsistent with the minor's biological sex.

Effective: July 1, 2021.

Jacob

January 14, 2021, read first time and referred to Committee on Public Health.



First Regular Session of the 122nd General Assembly (2021)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2020 Regular Session of the General Assembly.

HOUSE BILL No. 1505

A BILL FOR AN ACT to amend the Indiana Code concerning health.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 16-18-2-162, AS AMENDED BY P.L.212-2005,
2 SECTION 5, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2021]: Sec. 162. (a) "Health care professional", for purposes
4 of IC 16-27-1 and IC 16-27-4, has the meaning set forth in
5 IC 16-27-1-1.

6 (b) "Health care professional", for purposes of IC 16-27-2, has the
7 meaning set forth in IC 16-27-2-1.

8 (c) **"Health care professional", for purposes of IC 16-35-12, has**
9 **the meaning set forth in IC 16-35-12-1.**

10 SECTION 2. IC 16-18-2-235 IS AMENDED TO READ AS
11 FOLLOWS [EFFECTIVE JULY 1, 2021]: Sec. 235. "Minor", for
12 purposes of **IC 16-35-12** and IC 16-36, means an individual who is
13 less than eighteen (18) years of age.

14 SECTION 3. IC 16-35-12 IS ADDED TO THE INDIANA CODE
15 AS A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE
16 JULY 1, 2021]:

17 **Chapter 12. Prohibited Health Care of Minors**



1 **Sec. 1. As used in this chapter, "health care professional" refers**
 2 **to the following:**

3 **(1) A physician licensed under IC 25-22.5.**

4 **(2) A nurse, including an advanced practice registered nurse,**
 5 **licensed under IC 25-23.**

6 **(3) A physician assistant licensed under IC 25-27.5.**

7 **Sec. 2. As used in this chapter, "minor" means an individual**
 8 **who is less than eighteen (18) years of age.**

9 **Sec. 3. (a) Except as provided in section 5 of this chapter, a**
 10 **health care professional may not provide medical or surgical**
 11 **treatment to a minor with the intent of assisting the minor in**
 12 **physically transitioning to a gender that is inconsistent with the**
 13 **minor's biological sex, by performing or causing to be performed**
 14 **any of the following procedures on the minor:**

15 **(1) Castration.**

16 **(2) Vasectomy.**

17 **(3) Hysterectomy.**

18 **(4) Oophorectomy.**

19 **(5) Metoidioplasty.**

20 **(6) Orchiectomy.**

21 **(7) Penectomy.**

22 **(8) Phalloplasty.**

23 **(9) Urethroplasty.**

24 **(10) Vaginoplasty.**

25 **(11) Mastectomy.**

26 **(12) Lobotomy.**

27 **(13) A surgery to remove a healthy organ or body part.**

28 **(b) Any individual who has reasonable cause to know or suspect,**
 29 **based on facts, that a minor has been subjected to a procedure**
 30 **specified in subsection (a) shall report that knowledge or**
 31 **reasonable cause to either:**

32 **(1) the department of child services as child abuse or neglect**
 33 **under IC 31-33-5; or**

34 **(2) the local law enforcement agency.**

35 **The immunity provisions set forth in IC 31-33-6 apply to a report**
 36 **made under this subsection.**

37 **Sec. 4. (a) Except as provided in section 5 of this chapter, a**
 38 **health care professional may not, with the intent of assisting the**
 39 **minor in physically transitioning to a gender that is inconsistent**
 40 **with the minor's biological sex, engage in any of the following**
 41 **activities:**

42 **(1) Prescribe, administer, or furnish to the minor a drug to**



1 stop or delay puberty.

2 (2) Prescribe, administer, or furnish to a female minor
3 testosterone or estrogen-suppressing drugs.

4 (3) Prescribe, administer, or furnish to a male minor estrogen
5 or testosterone-suppressing drugs.

6 (b) Any individual who has reasonable cause to know or suspect,
7 based on facts, that a minor has been subjected to an activity
8 specified in subsection (a) shall report that knowledge or
9 reasonable cause to either:

10 (1) the department of child services as child abuse or neglect
11 under IC 31-33-5; or

12 (2) the local law enforcement agency.

13 The immunity provisions set forth in IC 31-33-6 apply to a report
14 made under this subsection.

15 Sec. 5. The prohibitions in sections 3 and 4 of this chapter do not
16 apply if either of the following apply:

17 (1) The minor has a medically verifiable genetic disorder of
18 sex development, including having:

19 (A) both ovarian and testicular tissue; or

20 (B) external biological characteristics that are ambiguous
21 resulting from having a 46,XX karyotype with virilization
22 or 46,XY karyotype with undervirilization.

23 (2) The minor has an abnormal sex chromosome structure
24 that has been diagnosed using genetic testing by a physician
25 licensed under IC 25-22.5.

26 Sec. 6. (a) An individual, or the individual's parent or guardian
27 if the individual is a minor, who has been harmed by a violation of
28 this chapter has a civil cause of action against the health care
29 professional and may bring action in a court with jurisdiction.

30 (b) An action described in subsection (a) must be commenced
31 not later than twenty (20) years after the date on which the
32 violation is committed, or discovered, or reasonably should have
33 been discovered.

34 (c) A court may award reasonable attorney's fees, litigation
35 expenses, and costs to a person who prevails in an action under
36 subsection (a).

37 Sec. 7. (a) A health care professional who violates section 3 of
38 this chapter commits unlawful surgical abuse of a minor, a Level
39 6 felony.

40 (b) A health care professional who violates section 4 of this
41 chapter commits unlawful hormonal abuse of a minor, a Class A
42 misdemeanor.



1 (c) A health professional who violates section 3 or 4 of this
2 chapter commits a separate offense for each prohibited medical
3 procedure or activity performed.

4 (d) The prosecuting attorney of a criminal prosecution under
5 this chapter shall notify in writing the licensing board regulating
6 the health care professional of a charge under this section against
7 the health care professional. The regulating licensing board may
8 consider disciplinary action against the health care professional as
9 set forth in IC 25-1-9.

10 (e) If a health care professional is found guilty of or pleads
11 guilty to a violation of this chapter, the court shall notify in writing
12 the licensing board regulating the health care professional of the
13 judgment or plea. The regulating licensing board may consider
14 disciplinary action against the health care professional as set forth
15 in IC 25-1-9.

16 SECTION 4. IC 34-30-2-70.8 IS ADDED TO THE INDIANA
17 CODE AS A NEW SECTION TO READ AS FOLLOWS
18 [EFFECTIVE JULY 1, 2021]: **Sec. 70.8. IC 16-35-12-3 and**
19 **IC 16-35-12-4 (Concerning reporting of child abuse or neglect of**
20 **a minor through prohibited surgery or activities).**

21 SECTION 5. IC 35-52-16-23.5 IS ADDED TO THE INDIANA
22 CODE AS A NEW SECTION TO READ AS FOLLOWS
23 [EFFECTIVE JULY 1, 2021]: **Sec. 23.5. IC 16-35-12-7 defines crimes**
24 **concerning prohibited health care of a minor.**

