

SENATE BILL No. 34

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: Prohibited services relating to care of minors. Prohibits specified health care professionals from: (1) performing certain medical procedures on a minor; or (2) subjecting a minor to certain activities; that purposely attempt to change, reinforce, or affirm a minor's perception of the minor's own sexual attraction or sexual behavior, or attempt to change, reinforce, or affirm a minor's gender identity when the identity is inconsistent with the minor's biological sex.

Effective: July 1, 2022.

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January 4, 2022, read first time and referred to Committee on Health and Provider Services.



Second Regular Session of the 122nd General Assembly (2022)

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 2021 Regular Session of the General Assembly.

SENATE BILL No. 34

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, 2022]: 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, 2022]: 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, 2022]:

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) Any of the behavioral health or human services**
 7 **professionals licensed under IC 25-23.6.**
 8 **(4) A physician assistant licensed under IC 25-27.5.**
 9 **(5) A psychologist licensed under IC 25-33.**

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

12 **Sec. 3. (a) Except as provided in section 5 of this chapter, a**
 13 **health care professional may not purposely attempt to change,**
 14 **reinforce, or affirm a minor's perception of the minor's own sexual**
 15 **attraction or sexual behavior, or attempt to change, reinforce, or**
 16 **affirm a minor's gender identity when the identity is inconsistent**
 17 **with the minor's biological sex, by performing or causing to be**
 18 **performed any of the following procedures on the minor:**

- 19 **(1) Castration.**
 20 **(2) Vasectomy.**
 21 **(3) Hysterectomy.**
 22 **(4) Oophorectomy.**
 23 **(5) Metoidioplasty.**
 24 **(6) Orchiectomy.**
 25 **(7) Penectomy.**
 26 **(8) Phalloplasty.**
 27 **(9) Urethroplasty.**
 28 **(10) Vaginoplasty.**
 29 **(11) Mastectomy.**
 30 **(12) Lobotomy.**
 31 **(13) A surgery to remove a healthy organ or body part.**

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

- 36 **(1) the department of child services as child abuse or neglect**
 37 **under IC 31-33-5; or**
 38 **(2) the local law enforcement agency.**

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

41 **Sec. 4. (a) Except as provided in section 5 of this chapter, a**
 42 **health care professional may not purposely attempt to change,**



1 reinforce, or affirm a minor's perception of the minor's own sexual
 2 attraction or sexual behavior, or attempt to change, reinforce, or
 3 affirm a minor's gender identity when that identity is inconsistent
 4 with the minor's biological sex, by engaging in any of the following
 5 activities:

- 6 (1) Prescribing, administering, or furnishing to the minor a
 7 drug to stop or delay puberty.
 8 (2) Prescribing, administering, or furnishing to a female
 9 minor testosterone or estrogen-suppressing drugs.
 10 (3) Prescribing, administering, or furnishing to a male minor
 11 estrogen or testosterone-suppressing drugs.
 12 (4) Subjecting a minor's genitals to an electric current.
 13 (5) Penetrating the minor's fingers with needles.
 14 (6) Restraining and placing ice on the minor's hands.
 15 (7) Wrapping the minor's hands in heat coils.
 16 (8) Subjecting the minor to an ice bath.
 17 (9) Injecting drugs into the minor to induce vomiting.
 18 (10) Restraining the minor with ties or harnesses.
 19 (11) Inflicting any physical pain or suffering.

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

- 24 (1) the department of child services as child abuse or neglect
 25 under IC 31-33-5; or
 26 (2) the local law enforcement agency.

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

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

- 31 (1) The minor has a medically verifiable genetic disorder of
 32 sex development, including having:
 33 (A) both ovarian and testicular tissue; or
 34 (B) external biological characteristics that are ambiguous
 35 resulting from having a 46,XX karyotype with virilization
 36 or 46,XY karyotype with undervirilization.
 37 (2) The minor has an abnormal sex chromosome structure
 38 that has been diagnosed using genetic testing by a physician
 39 licensed under IC 25-22.5.

40 **Sec. 6. (a)** An individual, or the individual's parent or guardian
 41 if the individual is a minor, who has been harmed by a violation of
 42 this chapter has a civil cause of action against the health care



1 professional and may bring an action in a court with jurisdiction.

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

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

9 **Sec. 7. (a) A health care professional who violates section 3 of
10 this chapter commits a Level 6 felony.**

11 **(b) A health care professional who violates section 4 of this
12 chapter commits a Class A misdemeanor.**

13 **(c) A health care professional who violates section 3 or 4 of this
14 chapter commits a separate offense for each prohibited medical
15 procedure or activity performed.**

16 **(d) The prosecuting attorney of a criminal prosecution under
17 this chapter shall notify in writing the licensing board regulating
18 the health care professional of a charge under this section against
19 the health care professional. The regulating licensing board may
20 consider disciplinary action against the health care professional as
21 set forth in IC 25-1-9.**

22 **(e) If a health care professional is found guilty of or pleads
23 guilty to a violation of this chapter, the court shall notify in writing
24 the licensing board regulating the health care professional of the
25 judgment or plea. The regulating licensing board may consider
26 disciplinary action against the health care professional as set forth
27 in IC 25-1-9.**

28 SECTION 4. IC 34-30-2-70.8 IS ADDED TO THE INDIANA
29 CODE AS A NEW SECTION TO READ AS FOLLOWS
30 [EFFECTIVE JULY 1, 2022]: **Sec. 70.8. IC 16-35-12-3 and
31 IC 16-35-12-4 (Concerning reporting of child abuse or neglect of
32 a minor through prohibited surgery or activities).**

33 SECTION 5. IC 35-52-16-23.5 IS ADDED TO THE INDIANA
34 CODE AS A NEW SECTION TO READ AS FOLLOWS
35 [EFFECTIVE JULY 1, 2022]: **Sec. 23.5. IC 16-35-12-7 defines crimes
36 concerning prohibited health care for a minor.**

