SENATE BILL No. 224

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, 2021.

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January 7, 2021, read first time and referred to Committee on Health and Provider Services.
SENATE BILL No. 224

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

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

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

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

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

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

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

Chapter 12. Prohibited Health Care of Minors
Sec. 1. As used in this chapter, "health care professional" refers to the following:

(1) A physician licensed under IC 25-22.5.
(2) A nurse, including an advanced practice registered nurse, licensed under IC 25-23.
(3) Any of the behavioral health or human services professionals licensed under IC 25-23.6.
(4) A physician assistant licensed under IC 25-27.5.
(5) A psychologist licensed under IC 25-33.

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

Sec. 3. (a) Except as provided in section 5 of this chapter, a health care professional may not 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, by performing or causing to be performed any of the following procedures on the minor:

(1) Castration.
(2) Vasectomy.
(3) Hysterectomy.
(4) Oophorectomy.
(5) Metoidioplasty.
(6) Orchietomy.
(7) Penectomy.
(8) Phalloplasty.
(9) Urethroplasty.
(10) Vaginoplasty.
(11) Mastectomy.
(12) Lobotomy.
(13) A surgery to remove a healthy organ or body part.

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

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

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

Sec. 4. (a) Except as provided in section 5 of this chapter, a health care professional may not 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 that identity is inconsistent
with the minor's biological sex, by engaging in any of the following
activities:

(1) Prescribing, administering, or furnishing to the minor a
drug to stop or delay puberty.

(2) Prescribing, administering, or furnishing to a female
minor testosterone or estrogen-suppressing drugs.

(3) Prescribing, administering, or furnishing to a male minor
estrogen or testosterone-suppressing drugs.

(4) Subjecting a minor's genitals to an electric current.

(5) Penetrating the minor's fingers with needles.

(6) Restraining and placing ice on the minor's hands.

(7) Wrapping the minor's hands in heat coils.

(8) Subjecting the minor to an ice bath.

(9) Injecting drugs into the minor to induce vomiting.

(10) Restraining the minor with ties or harnesses.

(11) Inflicting any physical pain or suffering.

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

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

(2) the local law enforcement agency.

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

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

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

(A) both ovarian and testicular tissue; or

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

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

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

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

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

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

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

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

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

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

SECTION 4. IC 34-30-2-70.8 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2021]:

Sec. 70.8. IC 16-35-12-3 and IC 16-35-12-4 (Concerning reporting of child abuse or neglect of a minor through prohibited surgery or activities).

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