

SENATE BILL NO. 236

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR HOSKINS.

0356S.01H

KRISTINA MARTIN, Secretary

AN ACT

To amend chapter 191, RSMo, by adding thereto one new section relating to gender transition procedures.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapter 191, RSMo, is amended by adding thereto one new section, to be known as section 191.1720, to read as follows:

191.1720. 1. This section shall be known and may be cited as the "Missouri Save Adolescents from Experimentation (SAFE) Act".

2. For purposes of this section, the following terms mean:

(1) "Biological sex", the biological indication of male or female in the context of reproductive potential or capacity, such as sex chromosomes, naturally occurring sex hormones, gonads, and nonambiguous internal and external genitalia present at birth, without regard to an individual's psychological, chosen, or subjective experience of gender;

(2) "Cross-sex hormones":

(a) Testosterone or other androgens given to biological sex females in amounts that are larger or more potent than would normally occur naturally in healthy biological sex females; and

(b) Estrogen given to biological sex males in amounts that are larger or more potent than would normally occur naturally in healthy biological sex males;

21 (3) "Gender", the psychological, behavioral, social,
22 and cultural aspects of being male or female;

23 (4) "Gender reassignment surgery", any medical or
24 surgical service that seeks to surgically alter or remove
25 healthy physical or anatomical characteristics or features
26 that are typical for the individual's biological sex in
27 order to instill or create physiological or anatomical
28 characteristics that resemble a sex different from the
29 individual's biological sex, including, but not limited to,
30 genital or nongenital gender reassignment surgery performed
31 for the purpose of assisting an individual with a gender
32 transition;

33 (5) "Gender transition", the process in which an
34 individual transitions from identifying with and living as a
35 gender that corresponds to his or her biological sex to
36 identifying and living as a gender different from his or her
37 biological sex, and may involve social, legal, or physical
38 changes;

39 (6) "Gender transition procedures":

40 (a) Any medical or surgical service, including, but
41 not limited to, physician's services, inpatient and
42 outpatient hospital services, or prescribed drugs, related
43 to gender transition that seeks to:

44 a. Alter or remove physical or anatomical
45 characteristics or features that are typical for the
46 individual's biological sex; or

47 b. Instill or create physiological or anatomical
48 characteristics that resemble a sex different from the
49 individual's biological sex, including, but not limited to:

50 (i) Medical services that provide puberty-blocking
51 drugs, cross-sex hormones, or other mechanisms to promote

52 the development of feminizing or masculinizing features in
53 the opposite biological sex; or

54 (ii) Genital or nongenital gender reassignment surgery
55 performed for the purpose of assisting an individual with a
56 gender transition;

57 (b) The term "gender transition procedures" shall not
58 include:

59 a. Services to individuals born with a medically-
60 verifiable disorder of sex development, including, but not
61 limited to, an individual with external biological sex
62 characteristics that are irresolvably ambiguous, such as
63 those born with forty-six XX chromosomes with virilization,
64 forty-six XY chromosomes with undervirilization, or having
65 both ovarian and testicular tissue;

66 b. Services provided when a physician has otherwise
67 diagnosed an individual with a disorder of sexual
68 development and determined through genetic or biochemical
69 testing that the individual does not have normal sex
70 chromosome structure, sex steroid hormone production, or sex
71 steroid hormone action;

72 c. The treatment of any infection, injury, disease, or
73 disorder that has been caused by or exacerbated by the
74 performance of gender transition procedures regardless of
75 whether the gender transition procedure was performed in
76 accordance with state and federal law; or

77 d. Any procedure undertaken because the individual
78 suffers from a physical disorder, physical injury, or
79 physical illness that would, as certified by a physician,
80 place the individual in imminent danger of death or
81 impairment of a major bodily function unless surgery is
82 performed;

83 (7) "Genital gender reassignment surgery", a medical
84 procedure performed for the purpose of assisting an
85 individual with a gender transition, including, but not
86 limited to:

87 (a) Surgical procedures such as penectomy,
88 orchiectomy, vaginoplasty, clitoroplasty, or vulvoplasty for
89 biologically male patients or hysterectomy or ovariectomy
90 for biologically female patients;

91 (b) Reconstruction of the fixed part of the urethra
92 with or without a metoidioplasty; or

93 (c) Phalloplasty, vaginectomy, scrotoplasty, or
94 implantation of erection or testicular prostheses for
95 biologically female patients;

96 (8) "Health care provider", an individual who is
97 licensed, certified, or otherwise authorized by the laws of
98 this state to administer health care in the ordinary course
99 of the practice of his or her profession;

100 (9) "Nongenital gender reassignment surgery", medical
101 procedures performed for the purpose of assisting an
102 individual with a gender transition, including, but not
103 limited to:

104 (a) Surgical procedures for biologically male
105 patients, such as augmentation mammoplasty, facial
106 feminization surgery, liposuction, lipofilling, voice
107 surgery, thyroid cartilage reduction, gluteal augmentation,
108 hair reconstruction, or various aesthetic procedures; or

109 (b) Surgical procedures for biologically female
110 patients, such as subcutaneous mastectomy, voice surgery,
111 liposuction, lipofilling, pectoral implants, or various
112 aesthetic procedures;

113 (10) "Physician", an individual who is licensed under
114 chapter 334;

115 (11) "Puberty-blocking drugs", gonadotropin-releasing
116 hormone analogues or other synthetic drugs used in
117 biological sex males to stop luteinizing hormone secretion
118 and therefore testosterone secretion, or synthetic drugs
119 used in biological sex females that stop the production of
120 estrogens and progesterone, when used to delay or suppress
121 pubertal development in children for the purpose of
122 assisting an individual with a gender transition.

123 3. A physician or other health care provider shall not
124 provide gender transition procedures to any individual under
125 eighteen years of age and shall not refer any individual
126 under eighteen years of age to any health care provider for
127 gender transition procedures.

128 4. Any referral for or provision of gender transition
129 procedures to an individual under eighteen years of age
130 shall be considered unprofessional conduct and any health
131 care provider doing so may be subject to discipline by the
132 appropriate licensing entity or disciplinary review board
133 with competent jurisdiction in this state.

134 5. The provision of gender transition procedures to an
135 individual under eighteen years of age in violation of the
136 provisions of this section shall be considered grounds for a
137 cause of action against the health care provider for
138 personal injury or death under chapter 538 and such cause of
139 action shall be governed by the provisions of such chapter.
140 An individual under eighteen years of age upon whom gender
141 transition procedures were performed in violation of this
142 section may bring the cause of action either through a next
143 friend or his or her own name, subject to the provisions of
144 section 516.105.

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