

As Introduced

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H. B. No. 454

Representatives Click, Grendell

Cosponsors: Representatives Kick, Merrin, Young, B., Young, T., Creech, John, Bird, Powell, Fowler Arthur, Hall, Holmes, Zeltwanger, Wiggam, Ferguson, Dean, Koehler, Johnson, McClain, Gross, Jordan, Loychik, Hoops, Stoltzfus

A BILL

To enact sections 3129.01, 3129.02, 3129.03, 1
3129.04, 3129.05, 3129.06, 3129.07, and 3129.08 2
of the Revised Code to prohibit certain 3
procedures to alter a minor child's sex and to 4
designate this act as the Save Adolescents from 5
Experimentation (SAFE) Act. 6

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 3129.01, 3129.02, 3129.03, 7
3129.04, 3129.05, 3129.06, 3129.07, and 3129.08 of the Revised 8
Code be enacted to read as follows: 9

Sec. 3129.01. The general assembly hereby finds and 10
declares all of the following: 11

(A) This state has a compelling government interest in 12
protecting the health and safety of its citizens, especially 13
vulnerable children; 14

(B) Only a tiny percentage of the American population 15
experiences distress at identifying with their biological sex. 16

According to the American psychiatric association, prevalence 17
ranges from 0.005 to 0.014 per cent for natal adult males and 18
from 0.002 to 0.003 per cent for natal females; 19

(C) Studies consistently demonstrate that the vast 20
majority of children who are gender non-conforming or experience 21
distress at identifying with their biological sex come to 22
identify with their biological sex in adolescence or adulthood, 23
thereby rendering most medical health care interventions 24
unnecessary; 25

(D) Scientific studies show that individuals struggling 26
with distress at identifying with their biological sex often 27
have already experienced psychopathology, which indicates these 28
individuals should be encouraged to seek mental health care 29
services before undertaking any hormonal or surgical 30
intervention; 31

(E) Suicide rates, psychiatric morbidities, and mortality 32
rates remain markedly elevated above the background population 33
after inpatient gender reassignment procedures have been 34
performed; 35

(F) Some health care providers are prescribing puberty- 36
blocking drugs in order to delay the onset or progression of 37
normally-timed puberty in children who experience distress at 38
identifying with their biological sex. This is being done 39
despite the lack of any long-term longitudinal studies 40
evaluating the risks and benefits of using these drugs for the 41
treatment of such distress or gender transition; 42

(G) Health care providers are also prescribing cross-sex 43
hormones for children who experience distress at identifying 44
with their biological sex, despite the fact that no randomized 45

clinical trials have been conducted on the efficacy or safety of 46
the use of cross-sex hormones in adults or children for the 47
purpose of treating such distress or gender transition; 48

(H) The use of cross-sex hormones comes with the following 49
serious known risks: 50

(1) For biological females, erythrocytosis, severe liver 51
dysfunction, coronary artery disease, cerebrovascular disease, 52
hypertension, increased risk of breast and uterine cancers, and 53
irreversible infertility. 54

(2) For biological males, thromboembolic disease, 55
cholelithiasis, coronary artery disease, macroprolactinoma, 56
cerebrovascular disease, hypertriglyceridemia, breast cancer, 57
and irreversible infertility. 58

(I) Genital and non-genital reassignment surgeries are 59
generally not recommended for children, although evidence 60
indicates referrals for children to have such surgeries are 61
becoming more frequent; 62

(J) Genital gender reassignment surgery includes several 63
irreversible invasive procedures for males and females and 64
involves the following alterations of biologically normal and 65
functional body parts: 66

(1) For biological males, surgery may involve genital 67
reconstruction including penectomy, orchiectomy, vaginoplasty, 68
clitoroplasty, and vulvoplasty. 69

(2) For biological females, surgery may involve a 70
hysterectomy or oophorectomy, reconstruction of the urethra, 71
genital reconstruction including metoidioplasty or phalloplasty, 72
vaginectomy, scrotoplasty, and implantation of erection or 73
testicular prostheses. 74

(K) The complications, risks, and long-term care concerns associated with genital gender reassignment surgery for both males and females are numerous and complex; 75
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(L) Non-genital gender reassignment surgery includes various invasive procedures for males and females and also involves the alteration or removal of biologically normal and functional body parts: 78
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(1) For biological males, procedures may include augmentation mammoplasty, facial feminization surgery, liposuction, lipofilling, voice surgery, thyroid cartilage reduction, gluteal augmentation, hair reconstruction, and other aesthetic procedures. 82
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(2) For biological females, procedures may include subcutaneous mastectomy, voice surgery, liposuction, lipofilling, pectoral implants, and other aesthetic procedures. 87
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(M) It is an accepted principle of economics and public policy that when a service or product is subsidized or paid for, demand for that service or product increases. Just between 2015 and 2016, gender reassignment surgeries increased by twenty per cent; 90
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(N) It is of grave concern to the general assembly that the medical community is allowing individuals who experience distress at identifying with their biological sex to be subjects of irreversible and drastic non-genital gender reassignment surgery and irreversible, permanently sterilizing genital gender reassignment surgery, despite the lack of studies showing that the benefits of such extreme interventions outweigh the risks; 95
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(O) The risks of gender transition procedures far outweigh any benefit at this stage of clinical study on these procedures. 102
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<u>Sec. 3129.02. As used in this chapter:</u>	104
<u>"Biological sex," "birth sex," and "sex" mean the</u>	105
<u>biological indication of male and female, including sex</u>	106
<u>chromosomes, naturally occurring sex hormones, gonads, and</u>	107
<u>nonambiguous internal and external genitalia present at birth,</u>	108
<u>without regard to an individual's psychological, chosen, or</u>	109
<u>subjective experience of gender.</u>	110
<u>"Cross-sex hormones" means testosterone or other androgens</u>	111
<u>given to biological females at doses that are profoundly larger</u>	112
<u>or more potent than would normally occur naturally in healthy</u>	113
<u>biological females, or estrogen given to biological males at</u>	114
<u>doses that are profoundly larger or more potent than would</u>	115
<u>normally occur naturally in healthy biological males.</u>	116
<u>"Gender" means the psychological, behavioral, social, and</u>	117
<u>cultural aspects of being male or female.</u>	118
<u>"Gender reassignment surgery" means any medical or</u>	119
<u>surgical service that seeks to surgically alter or remove</u>	120
<u>healthy physical or anatomical characteristics or features that</u>	121
<u>are typical for the individual's biological sex, in order to</u>	122
<u>instill or create physiological or anatomical characteristics</u>	123
<u>that resemble a sex different from the individual's birth sex</u>	124
<u>including, without limitation, genital or non-genital</u>	125
<u>reassignment surgery performed for the purpose of assisting an</u>	126
<u>individual with a gender transition.</u>	127
<u>"Gender transition" means the process in which a person</u>	128
<u>goes from identifying with and living as a gender that</u>	129
<u>corresponds to his or her biological sex to identifying with and</u>	130
<u>living as a gender different from his or her biological sex,</u>	131
<u>including social, legal, or physical changes.</u>	132

"Gender transition procedures" means any medical or 133
surgical service, including physician services, inpatient and 134
outpatient hospital services, or prescription drugs related to 135
gender transition, that seeks to alter or remove physical or 136
anatomical characteristics or features that are typical for the 137
individual's biological sex, or to instill or create 138
physiological or anatomical characteristics that resemble a sex 139
different from the individual's birth sex including medical 140
services that provide puberty blocking drugs, cross-sex 141
hormones, or other mechanisms to promote the development of 142
feminizing or masculinizing features in the opposite sex, or 143
genital or non-genital gender reassignment surgery performed for 144
the purpose of assisting an individual with a gender transition. 145

"Genital gender reassignment surgery" means surgical 146
procedures such as penectomy, orchiectomy, vaginoplasty, 147
clitoroplasty, or vulvoplasty for biologically male patients or 148
hysterectomy, ovariectomy, reconstruction of the fixed part of 149
the urethra with or without a metoidioplasty or a phalloplasty, 150
vaginectomy, scrotoplasty, or implantation of erection and 151
testicular prostheses for biologically female patients when 152
performed for the purpose of assisting an individual with a 153
gender transition. 154

"Medical health care professional" means any of the 155
following: 156

A nurse licensed under Chapter 4723. of the Revised Code; 157

A physician assistant licensed under Chapter 4730. of the 158
Revised Code; 159

A psychiatrist or psychologist licensed under Chapter 160
4732. of the Revised Code; 161

<u>A pharmacist licensed under Chapter 4729. of the Revised</u>	162
<u>Code;</u>	163
<u>Any other professional licensed to provide mental health</u>	164
<u>care services.</u>	165
<u>"Non-genital gender reassignment surgery" means surgical</u>	166
<u>procedures such as augmentation mammoplasty, facial feminization</u>	167
<u>surgery, liposuction, lipofilling, voice surgery, thyroid</u>	168
<u>cartilage reduction, gluteal augmentation, hair reconstruction,</u>	169
<u>or other aesthetic procedures for biologically male patients or</u>	170
<u>subcutaneous mastectomy, voice surgery, liposuction,</u>	171
<u>lipofilling, pectoral implants, or other aesthetic procedures</u>	172
<u>for biologically female patients when performed for the purpose</u>	173
<u>of assisting an individual with a gender transition.</u>	174
<u>"Physician" means a person who is authorized under Chapter</u>	175
<u>4731. of the Revised Code to practice medicine and surgery or</u>	176
<u>osteopathic medicine and surgery.</u>	177
<u>"Puberty-blocking drugs" means Gonadotropin-releasing</u>	178
<u>hormone analogs or other synthetic drugs used in biological male</u>	179
<u>patients to stop luteinizing hormone secretion and therefore,</u>	180
<u>testosterone secretion, or synthetic drugs used in biological</u>	181
<u>females that stop the production of estrogens and progesterone,</u>	182
<u>when used to delay or suppress pubertal development in children</u>	183
<u>for the purpose of assisting an individual with a gender</u>	184
<u>transition.</u>	185
<u>"Public funds" means any state, county, or local</u>	186
<u>government moneys, in addition to any department, agency, or</u>	187
<u>instrumentality authorized or appropriated pursuant to state law</u>	188
<u>or derived from any fund in which such moneys are deposited.</u>	189
<u>Sec. 3129.03. (A) Gender transition procedures, as defined</u>	190

in section 3129.02 of the Revised Code, do not include any of 191
the following: 192

(1) Services provided to individuals born with a medically 193
verifiable disorder of sex development, including a person with 194
external biological sex characteristics that are irresolvably 195
ambiguous, such as an individual born with forty-six XX 196
chromosomes with virilization, forty-six XY chromosomes with 197
undervirilization, or having both ovarian and testicular tissue; 198

(2) Services provided to an individual when a physician 199
has otherwise diagnosed a disorder of sexual development, in 200
which the physician has determined through genetic or 201
biochemical testing that the individual does not have normal sex 202
chromosome structure, sex steroid hormone production, or sex 203
steroid hormone action for a biological male or biological 204
female; 205

(3) Notwithstanding section 3129.06 of the Revised Code, 206
the treatment of any infection, injury, disease, or disorder 207
that has been caused or exacerbated by the performance of gender 208
transition procedures, whether or not the procedures were 209
performed in accordance with state and federal law. 210

(B) Gender reassignment surgery, as defined in section 211
3129.02 of the Revised Code, does not include any procedure 212
undertaken because an individual suffers from a physical 213
disorder, physical injury, or physical illness that is certified 214
by a physician and that would place the individual in imminent 215
danger of death or impairment of major bodily function unless 216
surgery is performed. 217

Sec. 3129.04. No physician or other medical health care 218
professional shall provide gender transition procedures to any 219

<u>person under eighteen years of age.</u>	220
<u>No physician, mental health provider, or other medical</u>	221
<u>health care professional shall refer any person under eighteen</u>	222
<u>years of age to any medical doctor for gender transition</u>	223
<u>procedures.</u>	224
<u>Sec. 3129.05. No nurse, counselor, teacher, principal, or</u>	225
<u>other official or staff at a public or private school shall do</u>	226
<u>either of the following:</u>	227
<u>(A) Encourage or coerce a minor to withhold from the</u>	228
<u>minor's parent or legal guardian the fact that the minor's</u>	229
<u>perception of his or her gender is inconsistent with his or her</u>	230
<u>sex;</u>	231
<u>(B) Withhold from a minor's parent or legal guardian</u>	232
<u>information related to the minor's perception that his or her</u>	233
<u>gender is inconsistent with his or her sex.</u>	234
<u>Sec. 3129.06. (A) No public funds shall be directly or</u>	235
<u>indirectly used, granted, paid, or distributed to any entity,</u>	236
<u>organization, or individual that provides gender transition</u>	237
<u>procedures to any minor.</u>	238
<u>(B) Health care services furnished by or in a health care</u>	239
<u>facility owned or operated by the state, a county or local</u>	240
<u>government entity, or by a physician or other individual</u>	241
<u>employed by the state, or a county or local government entity,</u>	242
<u>shall not include gender transition procedures for minors.</u>	243
<u>(C) Any amount paid by an individual or entity during a</u>	244
<u>taxable year for the provision of gender transition procedures</u>	245
<u>to minors or as premiums for health care coverage that includes</u>	246
<u>coverage for gender transition procedures on minors is not tax</u>	247
<u>deductible under division (A)(10)(a) of section 5747.01 of the</u>	248

<u>Revised Code.</u>	249
<u>(D) Medical assistance provided under the medicaid program</u>	250
<u>shall not include gender transition procedures for minors.</u>	251
<u>Sec. 3129.07. The benefit package for eligible children</u>	252
<u>under any health insurance policy or other plan providing health</u>	253
<u>care coverage in this state shall not include reimbursement for</u>	254
<u>gender transition procedures for any person under eighteen years</u>	255
<u>of age.</u>	256
<u>Sec. 3129.08. (A) Any provision of gender transition</u>	257
<u>procedures to a person under eighteen years of age shall be</u>	258
<u>considered unprofessional conduct and shall be subject to</u>	259
<u>discipline by the licensing entity with jurisdiction over the</u>	260
<u>physician, mental health provider, or other medical health care</u>	261
<u>professional.</u>	262
<u>(B) A person may assert an actual or threatened violation</u>	263
<u>of this chapter as a claim or defense in a judicial or</u>	264
<u>administrative proceeding and obtain compensatory damages,</u>	265
<u>injunctive relief, declaratory relief, or any other appropriate</u>	266
<u>relief.</u>	267
<u>(C) A person shall be required to bring a claim for a</u>	268
<u>violation of this chapter not later than two years after the day</u>	269
<u>the cause of action accrues. A minor may bring an action before</u>	270
<u>reaching eighteen years of age through a parent or guardian, and</u>	271
<u>may bring an action in the minor's own name upon reaching</u>	272
<u>eighteen years of age at any time from that point until twenty</u>	273
<u>years after.</u>	274
<u>(D) Notwithstanding any other provision of the Revised</u>	275
<u>Code, an action under this chapter may be commenced, and relief</u>	276
<u>may be granted, in a judicial proceeding without regard to</u>	277

whether the person commencing the action has sought or exhausted 278
available administrative remedies. 279

(E) In any action or proceeding to enforce a provision of 280
this chapter, a prevailing party who establishes a violation of 281
this chapter shall be entitled to recover reasonable attorneys' 282
fees. 283

(F) The attorney general may bring an action to enforce 284
compliance with this chapter. Nothing in this chapter shall be 285
construed to deny, impair, or otherwise affect any right or 286
authority of the attorney general, the state, or any agency, 287
officer, or employee of the state, acting under any provision of 288
the Revised Code, to institute or intervene in any proceeding. 289

Section 2. This act shall be known as the Save Adolescents 290
from Experimentation (SAFE) Act. 291

Section 3. Consistent with Section 1.50 of the Revised 292
Code, items of law contained in this act, and their 293
applications, are severable. If any item of law contained in 294
this act, or if any application of any item of law contained in 295
this act, is held invalid, the invalidity does not affect other 296
items of law contained in this act and their applications that 297
can be given effect without the invalid item of law or 298
application. 299

Section 4. Sections 1, 2, and 3 of this act take effect 300
six months after the effective date of this section. 301