

1 STATE OF OKLAHOMA

2 1st Session of the 59th Legislature (2023)

3 HOUSE BILL 1466

By: Sneed

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6 AS INTRODUCED

7 An Act relating to public health and safety;
8 providing definitions; prohibiting certain health
9 care professionals from performing or attempting to
10 perform gender transition procedures to certain
11 individuals; providing exceptions; prescribing
12 statute of limitations; requiring revocation of
13 license or certificate; authorizing a finding for
14 revocation of state license for state license
15 holders; authorizing certain claims; authorizing
16 civil actions by minors; authorizing civil actions
17 after majority; authorizing attorney fees; providing
18 for codification; and providing an effective date.

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24 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified
in the Oklahoma Statutes as Section 2608 of Title 63, unless there
is created a duplication in numbering, reads as follows:

As used in this act:

1. "Child" means an individual who is younger than eighteen
(18) years of age;

2. "Health care provider" means a person other than a physician
who is licensed, certified, or otherwise authorized by this state's

1 laws to provide or render health care or to dispense or proscribe a
2 prescription drug in the ordinary course of business or practice of
3 a profession; and

4 3. "Physician" means a person licensed to practice medicine in
5 this state.

6 SECTION 2. NEW LAW A new section of law to be codified
7 in the Oklahoma Statutes as Section 2608.1 of Title 63, unless there
8 is created a duplication in numbering, reads as follows:

9 A. Prohibited provision of gender transitioning or gender
10 reassignment procedures and treatments to certain children. For the
11 purpose of transitioning a child's biological sex as determined by
12 the sex organs, chromosomes, and endogenous profiles of the child or
13 affirming the child's perception of the child's sex if that
14 perception is inconsistent with the child's biological sex, a
15 physician or health care provider may not:

- 16 1. Perform a surgery that sterilizes that child, including:
- 17 a. castration,
 - 18 b. hysterectomy,
 - 19 c. metoidioplasty,
 - 20 d. oophorectomy,
 - 21 e. orchiectomy,
 - 22 f. penectomy,
 - 23 g. phalloplasty,
 - 24 h. vaginoplasty, and

- 1 i. vasectomy;
- 2 2. Perform a mastectomy;
- 3 3. Prescribe, administer, or supply any of the following
- 4 medications that induce transient or permanent infertility:
- 5 a. puberty-blocking medication to stop or delay normal
- 6 puberty,
- 7 b. supraphysiologic doses of testosterone to females,
- 8 c. supraphysiologic doses of estrogen to males; or
- 9 4. Remove any otherwise healthy or non-diseased body part or
- 10 tissue.

11 SECTION 3. NEW LAW A new section of law to be codified
12 in the Oklahoma Statutes as Section 2608.2 of Title 63, unless there
13 is created a duplication in numbering, reads as follows:

14 A. Section 2 of this act does not apply to the provisions by a
15 physician or health care provider, with the consent of the child's
16 parent or legal guardian, of appropriate and medically necessary
17 gender transitioning or gender reassignment procedures or treatments
18 to a child who:

- 19 1. Is born with a medically verifiable genetic disorder of sex
- 20 development, including:
 - 21 a. 46,XX chromosomes with virilization,
 - 22 b. 46,XY chromosomes with undervirilization, or
 - 23 c. both ovarian and testicular tissue; or

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1 2. Does not have the normal sex chromosome structure for male
2 or female as determined by a physician through genetic testing.

3 SECTION 4. NEW LAW A new section of law to be codified
4 in the Oklahoma Statutes as Section 2608.3 of Title 63, unless there
5 is created a duplication in numbering, reads as follows:

6 The Oklahoma Board of Medical Licensure and Supervision or
7 another state regulatory agency with jurisdiction over a health care
8 provider subject to Section 2608.1 of this act shall revoke the
9 license, certification, or authorization of a physician or health
10 care provider who the board or agency determines has violated that
11 section.

12 SECTION 5. NEW LAW A new section of law to be codified
13 in the Oklahoma Statutes as Section 2608.4 of Title 63, unless there
14 is created a duplication in numbering, reads as follows:

15 A professional liability insurance policy issued to a physician
16 or health care provider may not include coverage for damages
17 assessed against the physician or health care provider who provides
18 to a child gender transitioning or gender reassignment procedures or
19 treatments that are prohibited by Section 2 of this act.

20 SECTION 6. NEW LAW A new section of law to be codified
21 in the Oklahoma Statutes as Section 2608.5 of Title 63, unless there
22 is created a duplication in numbering, reads as follows:

23 A court may revoke the license, certification, or authorization
24 of any person holding a state-issued professional license upon a

1 finding, by the court, that a person knowingly engaged in conduct
2 that aided or abetted the performance or inducement of the gender
3 transition or gender reassignment procedure in violation of this
4 act.

5 SECTION 7. NEW LAW A new section of law to be codified
6 in the Oklahoma Statutes as Section 2608.6 of Title 63, unless there
7 is created a duplication in numbering, reads as follows:

8 A. Notwithstanding any other law, the requirements of this act
9 shall be enforced exclusively through a private civil action.

10 B. Any person, other than the state, its political
11 subdivisions, and any officer or employee of a state or local
12 governmental entity in this state, may bring a civil action against
13 any person or entity who:

14 1. Performs or induces the gender transitioning or gender
15 reassignment procedure in violation of this act; or

16 2. Knowingly engages in conduct that aids or abets the
17 performance or inducement of the gender transitioning or gender
18 reassignment procedure in violation of this act.

19 C. If a claimant prevails in an action brought under this
20 section, the court shall award:

21 1. Injunctive relief sufficient to prevent the defendant from
22 violating this act or engaging in acts that aid or abet violation of
23 this act;

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1 2. Statutory damages in an amount of not less than Five Hundred
2 Thousand Dollars (\$500,000.00) for each gender transitioning or
3 gender reassignment procedure that the defendant performed or
4 induced in violation of this act, and for each gender transitioning
5 or gender reassignment procedure performed or induced in violation
6 of this act that the defendant aided or abetted.

7 3. Nominal and compensatory damages if the claimant has
8 suffered harm from the defendant's conduct including, but not
9 limited to, loss of consortium and emotional distress; and

10 4. Court costs and attorney fees.

11 D. Notwithstanding any other law, a person may bring an action
12 for a violation of this act no later than twenty (20) years after
13 the day the cause of action accrues.

14 E. A person under eighteen (18) years of age may bring an
15 action throughout his or her minority through a parent or next
16 friend, and may bring an action in their own name upon reaching
17 majority at any time from that point until twenty-five (25) years
18 after reaching the age of majority.

19 SECTION 8. This act shall become effective November 1, 2023.

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