

STATE OF OKLAHOMA

1st Session of the 59th Legislature (2023)

SENATE BILL 129

By: Bullard

AS INTRODUCED

An Act relating to health care; creating the Millstone Act of 2023; defining terms; prohibiting provision of or referral for gender transition procedures; providing exceptions; prohibiting certain uses of public funds, public facilities, public employees, and state Medicaid program; providing for criminal, administrative, and civil enforcement; authorizing certain civil actions and relief; providing certain construction; providing for codification; and declaring an emergency.

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 2607.1 of Title 63, unless there is created a duplication in numbering, reads as follows:

This act shall be known and may be cited as the Millstone Act of 2023.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2607.2 of Title 63, unless there is created a duplication in numbering, reads as follows:

As used in this act:

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

7           2. "Cross-sex hormones" means:

8           a. testosterone or other androgens given to biological  
9 females in amounts that are larger or more potent than  
10 would normally occur naturally in healthy biological  
11 sex females, and

12           b. estrogen given to biological males in amounts that are  
13 larger or more potent than would normally occur  
14 naturally in healthy biological sex males;

15           3. "Gender" means the psychological, behavioral, social, and  
16 cultural aspects of being male or female;

17           4. "Gender reassignment surgery" means any medical or surgical  
18 service that seeks to surgically alter or remove healthy physical or  
19 anatomical characteristics or features that are typical for the  
20 individual's biological sex, in order to instill or create  
21 physiological or anatomical characteristics that resemble a sex  
22 different from the individual's biological sex, including but not  
23 limited to genital or nongenital gender reassignment surgery  
24

1 performed for the purpose of assisting an individual with a gender  
2 transition;

3 5. "Gender transition" means the process in which a person goes  
4 from identifying with and living as a gender that corresponds to his  
5 or her biological sex to identifying with and living as a gender  
6 different from his or her biological sex, and may involve social,  
7 legal, or physical changes;

8 6. a. "Gender transition procedures" means any medical or  
9 surgical service, including but not limited to  
10 physician's services, inpatient and outpatient  
11 hospital services, or prescribed drugs related to  
12 gender transition that seeks to:

13 (1) alter or remove physical or anatomical  
14 characteristics or features that are typical for  
15 the individual's biological sex, or

16 (2) instill or create physiological or anatomical  
17 characteristics that resemble a sex different  
18 from the individual's biological sex, including  
19 but not limited to medical services that provide  
20 puberty-blocking drugs, cross-sex hormones, or  
21 other mechanisms to promote the development of  
22 feminizing or masculinizing features in the  
23 opposite biological sex, or genital or nongenital  
24 gender reassignment surgery performed for the

1                   purpose of assisting an individual with a gender  
2                   transition.

3           b.   Gender transition procedures do not include:

4                   (1)   services to persons born with a medically  
5                   verifiable disorder of sex development, including  
6                   a person with external biological sex  
7                   characteristics that are irresolvably ambiguous,  
8                   such as those born with 46 XX chromosomes with  
9                   virilization, 46 XY chromosomes with  
10                   undervirilization, or having both ovarian and  
11                   testicular tissue,

12                   (2)   services provided when a physician has otherwise  
13                   diagnosed a disorder of sexual development that  
14                   the physician has determined through genetic or  
15                   biochemical testing that the person does not have  
16                   normal sex chromosome structure, sex steroid  
17                   hormone production, or sex steroid hormone  
18                   action,

19                   (3)   the treatment of any infection, injury, disease,  
20                   or disorder that has been caused by or  
21                   exacerbated by the performance of gender  
22                   transition procedures, whether or not the gender  
23                   transition procedure was performed in accordance  
24                   with state and federal law, or

1 (4) any procedure undertaken because the individual  
2 suffers from a physical disorder, physical  
3 injury, or physical illness that would, as  
4 certified by a physician, place the individual in  
5 imminent danger of death or impairment of major  
6 bodily function unless surgery is performed;

7 7. "Genital gender reassignment surgery" means a medical  
8 procedure performed for the purpose of assisting an individual with  
9 a gender transition, including but not limited to:

- 10 a. surgical procedures such as penectomy, orchiectomy,  
11 vaginoplasty, clitoroplasty, or vulvoplasty for  
12 biologically male patients or hysterectomy or  
13 oophorectomy for biologically female patients,  
14 b. reconstruction of the fixed part of the urethra with  
15 or without a metoidioplasty, or  
16 c. phalloplasty, vaginectomy, scrotoplasty, or  
17 implantation of erection or testicular prostheses for  
18 biologically female patients;

19 8. "Healthcare professional" means a person who is licensed,  
20 certified, or otherwise authorized by the laws of this state to  
21 administer health care in the ordinary course of the practice of his  
22 or her profession;

1 9. "Nongenital gender reassignment surgery" means medical  
2 procedures performed for the purpose of assisting an individual with  
3 a gender transition including but not limited to:

4 a. surgical procedures for biologically male patients,  
5 such as augmentation mammoplasty, facial feminization  
6 surgery, liposuction, lipofilling, voice surgery,  
7 thyroid cartilage reduction, gluteal augmentation,  
8 hair reconstruction, or various aesthetic procedures,  
9 or

10 b. surgical procedures for biologically female patients,  
11 such as subcutaneous mastectomy, voice surgery,  
12 liposuction, lipofilling, pectoral implants, or  
13 various aesthetic procedures;

14 10. "Physician" means a person who is licensed to practice  
15 medicine in this state;

16 11. "Puberty-blocking drugs" means gonadotropin-releasing  
17 hormone analogues or other synthetic drugs used in biological males  
18 to stop luteinizing hormone secretion and therefore testosterone  
19 secretion, or synthetic drugs used in biological females which stop  
20 the production of estrogens and progesterone, when used to delay or  
21 suppress pubertal development in children for the purpose of  
22 assisting an individual with a gender transition; and

23 12. "Public funds" means state, county, or local government  
24 monies, in addition to any department, agency, or instrumentality

1 authorized or appropriated under state law or derived from any fund  
2 in which such moneys are deposited.

3 SECTION 3. NEW LAW A new section of law to be codified  
4 in the Oklahoma Statutes as Section 2607.3 of Title 63, unless there  
5 is created a duplication in numbering, reads as follows:

6 A. A physician or other healthcare professional shall not  
7 provide gender transition procedures to any individual under twenty-  
8 six (26) years of age.

9 B. A physician or other healthcare professional shall not refer  
10 any individual under twenty-six (26) years of age to any healthcare  
11 professional for gender transition procedures.

12 C. A physician or other healthcare professional is not  
13 prohibited from providing any of the following procedures which are  
14 not gender transition procedures to an individual under twenty-six  
15 (26) years of age:

16 1. Services to persons born with a medically verifiable  
17 disorder of sex development, including a person with external  
18 biological sex characteristics that are irresolvably ambiguous, such  
19 as those born with 46 XX chromosomes with virilization, 46 XY  
20 chromosomes with undervirilization, or having both ovarian and  
21 testicular tissue;

22 2. Services provided when a physician has otherwise diagnosed a  
23 disorder of sexual development that the physician has determined  
24 through genetic or biochemical testing that the person does not have

1 normal sex chromosome structure, sex steroid hormone production, or  
2 sex steroid hormone action;

3 3. The treatment of any infection, injury, disease, or disorder  
4 that has been caused by or exacerbated by the performance of gender  
5 transition procedures, whether or not the gender transition  
6 procedure was performed in accordance with state and federal law or  
7 whether or not funding for the gender transition procedure is  
8 permissible under Section 4 of this act; or

9 4. Any procedure undertaken because the individual suffers from  
10 a physical disorder, physical injury, or physical illness that  
11 would, as certified by a physician, place the individual in imminent  
12 danger of death or impairment of major bodily function unless  
13 surgery is performed.

14 SECTION 4. NEW LAW A new section of law to be codified  
15 in the Oklahoma Statutes as Section 2607.4 of Title 63, unless there  
16 is created a duplication in numbering, reads as follows:

17 A. Public funds shall not be directly or indirectly used,  
18 granted, paid, or distributed to any entity, organization, or  
19 individual that provides gender transition procedures to an  
20 individual under twenty-six (26) years of age.

21 B. Healthcare services furnished in the following situations  
22 shall not include gender transition procedures to an individual  
23 under twenty-six (26) years of age:



1           1. By or in a healthcare facility owned by the state or a  
2 county or local government; or

3           2. By a physician or other healthcare professional employed by  
4 the state or a county or local government.

5           C. The state Medicaid program shall not reimburse or provide  
6 coverage for gender transition procedures to an individual under  
7 twenty-six (26) years of age.

8           SECTION 5.           NEW LAW           A new section of law to be codified  
9 in the Oklahoma Statutes as Section 2607.5 of Title 63, unless there  
10 is created a duplication in numbering, reads as follows:

11           A. 1. A physician or other healthcare professional found to  
12 have knowingly referred for or provided gender transition procedures  
13 to an individual under twenty-six (26) years of age shall, upon  
14 conviction, be guilty of a felony.

15           2. Prosecution for a criminal violation of this subsection must  
16 be commenced within forty (40) years after the commission of such  
17 offense.

18           B. 1. Any referral for or provision of gender transition  
19 procedures to an individual under twenty-six (26) years of age is  
20 unprofessional conduct and shall, upon an adverse ruling by the  
21 appropriate licensing board, result in immediate revocation of the  
22 license or certificate of the physician or other healthcare  
23 professional.

1           2. Disciplinary proceedings against the physician or other  
2 healthcare professional must be commenced within forty (40) years  
3 after the commission of such offense.

4           C. 1. A person may assert an actual or threatened violation of  
5 this act as a claim or defense in a judicial or administrative  
6 proceeding and obtain compensatory damages, injunctive relief,  
7 declaratory relief, or any other appropriate relief.

8           2. A person shall bring a claim for a violation of this act no  
9 later than forty (40) years after the day the cause of action  
10 accrues.

11           3. An individual under eighteen (18) years of age may bring an  
12 action throughout their minority through a parent or next friend,  
13 and may bring an action in their own name upon reaching majority at  
14 any time from that point until forty (40) years after reaching the  
15 age of majority.

16           4. Notwithstanding any other provision of law, an action under  
17 this subsection may be commenced, and relief may be granted, in a  
18 judicial proceeding without regard to whether the person commencing  
19 the action has sought or exhausted available administrative  
20 remedies.

21           5. In any action or proceeding to enforce a provision of this  
22 act, a prevailing party who establishes a violation of this act  
23 shall recover reasonable attorney fees.

1 D. 1. The Attorney General may bring an action to enforce  
2 compliance with this act.

3 2. This act does not deny, impair, or otherwise affect any  
4 right or authority of the Attorney General, this state, or any  
5 agency, officer, or employee of the state, acting under any law  
6 other than this act, to institute or intervene in any proceeding.

7 SECTION 6. It being immediately necessary for the preservation  
8 of the public peace, health or safety, an emergency is hereby  
9 declared to exist, by reason whereof this act shall take effect and  
10 be in full force from and after its passage and approval.

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