

1 STATE OF OKLAHOMA

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

3 SENATE BILL 789

By: Standridge

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5
6 AS INTRODUCED

7 An Act relating to health care; prohibiting physician
8 or other healthcare professional from providing
9 certain services to minor; authorizing certain civil
10 action; specifying who may bring an action; allowing
11 unlimited time period for commencement of an action
12 subject to certain conditions; creating certain
13 rebuttable presumption; providing for dismissal of
14 cause of action under certain condition; authorizing
15 award of certain damages or relief; providing for
16 recovery of court costs and reasonable attorney fees;
17 creating certain criminal offense and penalty;
18 providing for codification; and providing an
19 effective date.

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

21 SECTION 1. NEW LAW A new section of law to be codified
22 in the Oklahoma Statutes as Section 2607.4 of Title 63, unless there
23 is created a duplication in numbering, reads as follows:

24 A. A parent or legal guardian shall not consent, on behalf of
any individual under eighteen (18) years of age for whom the parent
or legal guardian has the authority to make medical decisions, to
the provision of gender transition surgery.

1 B. If a person received gender transition surgery while such
2 person was under eighteen (18) years of age and if the gender
3 transition surgery caused the person to not be able to enjoy the
4 natural reproductivity functions of child bearing and rearing that
5 the person would have enjoyed if not for the gender transition
6 surgery, the person may bring an action against his or her parent or
7 legal guardian who consented to the gender transition surgery on
8 behalf of the minor.

9 C. If the person is under eighteen (18) years of age, he or she
10 may bring an action:

11 1. Throughout their minority through a parent or legal
12 guardian, provided that the parent or legal guardian is not the same
13 parent or legal guardian who consented to gender transition surgery
14 on behalf of the minor; and

15 2. In their own name upon reaching majority.

16 D. 1. Notwithstanding any other provision of law, there shall
17 be no time limitation for the commencement of an action brought
18 under this section except as provided by this subsection.

19 2. There shall be a rebuttable presumption that the plaintiff,
20 based solely on his or her age, would be capable of bearing children
21 if not for the gender transition surgery.

22 3. If the presumption described in paragraph 2 of this
23 subsection is successfully rebutted, the court shall dismiss the
24 cause of action.

1 E. A plaintiff who establishes a violation of subsection A of
2 this section and who can show that he or she has suffered harm as
3 described in subsection B of this section may be granted:

4 1. Compensatory damages appropriate to the loss of natural
5 reproductivity functions as described in subsection B of this
6 section;

7 2. Punitive damages; or

8 3. Any other appropriate relief.

9 F. A plaintiff who establishes a violation of subsection A of
10 this act and who can show that he or she has suffered harm as
11 described in subsection B of this section shall recover court costs
12 and reasonable attorney fees.

13 G. In addition to the other remedies provided by this
14 subsection, a parent or legal guardian found to have violated
15 subsection A of this section, in cases where there are potentially
16 grave long-term effects on the child, shall, upon conviction, be
17 guilty of child abuse punishable as provided in Section 843.5 of
18 Title 21 of the Oklahoma Statutes.

19 SECTION 2. This act shall become effective November 1, 2023.
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