



## 2020 South Dakota Legislature

# House Bill 1057

Introduced by: **Representative** Deutsch

1 **An Act to prohibit certain acts against children and provide a penalty therefor.**

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

3 **Section 1.** That a NEW SECTION be added:

4 **26-10-36. Definition of terms.**

5 Terms used in §§ 26-10-37 and 26-10-38 mean:

6 (1) "Medical professional," any physician, surgeon, physician assistant, nurse, clinical  
7 nurse specialist, nurse practitioner, anesthetist, or medical assistant licensed under  
8 title 36;

9 (2) "Sex," the biological state of being female or male, based on sex organs,  
10 chromosomes, and endogenous hormone profiles.

11 **Section 2.** That a NEW SECTION be added:

12 **26-10-37. Perception of minor's sex--Prohibited practices--Violation as a**  
13 **felony.**

14 Except as provided in § 26-10-38, a medical professional who engages in any of  
15 the following practices upon a minor, including an emancipated minor, for the purpose of  
16 attempting to change or affirm the minor's perception of the minor's sex, if that perception  
17 is inconsistent with the minor's sex, is guilty of a Class 4 felony:

18 (1) Performing the following surgeries: castration, vasectomy, hysterectomy,  
19 oophorectomy, metoidioplasty, orchiectomy, penectomy, phalloplasty, and  
20 vaginoplasty;

21 (2) Performing a mastectomy;

22 (3) Prescribing, dispensing, administering, or otherwise supplying the following  
23 medications:

24 (a) Puberty-blocking medication to stop normal puberty;

25 (b) Supraphysiologic doses of testosterone to females; or

- 1           (c) Supraphysiologic doses of estrogen to males; or  
2           (4) Removing any otherwise healthy or nondiseased body part or tissue.

3   **Section 3.** That a NEW SECTION be added:

4           **26-10-38. Perception of minor's sex--Prohibited practices--Exceptions.**

5           Section 26-10-37 does not apply to the good faith medical decision of a parent or  
6           guardian of a minor born with a medically-verifiable genetic disorder of sex development,  
7           including:

- 8           (1) A minor with external biological sex characteristics that are irresolvably ambiguous,  
9           such as a minor born having 46, XX chromosomes with virilization, 46, XY  
10           chromosomes with undervirilization, or having both ovarian and testicular tissue;  
11           or  
12           (2) When a physician has otherwise diagnosed a disorder of sexual development, in  
13           which the physician has determined through genetic testing that the minor does  
14           not have the normal sex chromosome structure for a male or female.

15   **Section 4.** That this Act may be cited as the Vulnerable Child Protection Act.