



2020 South Dakota Legislature

House Bill 1057

HOUSE STATE AFFAIRS ENGROSSED

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. Definitions.**

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

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

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

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

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

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

15 Except as provided in § 26-10-38, a medical professional who engages in any of
16 the following practices upon a minor under the age of sixteen, for the purpose of
17 attempting to change or affirm the minor's perception of the minor's sex, if that perception
18 is inconsistent with the minor's sex, is guilty of a Class 1 misdemeanor:

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

22 (2) Performing a mastectomy;

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

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

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

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

5 **26-10-38. Perception of minor's sex--Prohibited practices--Exceptions.**

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

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

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