

Amendment No. 1 to SB2861

Briggs
Signature of Sponsor

AMEND Senate Bill No. 2861

House Bill No. 2619*

by deleting all language after the enacting clause and substituting:

SECTION 1. Tennessee Code Annotated, Section 41-1-408, is amended by designating the existing language as subsection (a) and adding the following as a new subsection:

(b)

(1) As used in this subsection (b):

(A) "Hormone replacement therapy" means a medical approach that involves administering sex hormones and other hormonal medications with the primary goal of altering a person's physical appearance and sexual characteristics existing at the person's birth;

(B) "Psychotropic medication" means medication used for antipsychotic, antidepressant, antimanic, antianxiety, behavioral modification, or behavioral management purposes, as listed in the *Physician's Desk Reference* (PDR), or where there is a body of peer-reviewed medical literature supporting its use; and

(C) "Sex reassignment surgery" means a surgical procedure, or series of procedures, that alters a person's physical appearance and sexual characteristics existing at the person's birth.

(2)

(A) Notwithstanding this title to the contrary, the department of correction shall not use state funds:

(i) To administer hormone replacement therapy to state inmates incarcerated in a state penitentiary or a county jail or workhouse. This

subdivision (b)(2)(A)(i) does not apply to state inmates receiving hormone replacement therapy prior to the effective date of this act; or

(ii) For sex reassignment surgery for state inmates incarcerated in a state penitentiary or a county jail or workhouse.

(B) Subdivision (b)(2)(A) does not prohibit the department from administering psychotropic medication to state inmates incarcerated in a state penitentiary or a county jail or workhouse if deemed necessary by trained medical personnel provided in accordance with subsection (a).

SECTION 2. If any provision of this act or its application to any person or circumstance is held invalid, then the invalidity does not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to that end, the provisions of this act are severable.

SECTION 3. This act takes effect upon becoming a law, the public welfare requiring it.