

118TH CONGRESS  
1ST SESSION

# H. R. 5636

To amend chapter 110 of title 18, United States Code, to prohibit gender affirming care on minors.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 21, 2023

Ms. GREENE of Georgia introduced the following bill; which was referred to the Committee on the Judiciary

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## A BILL

To amend chapter 110 of title 18, United States Code, to prohibit gender affirming care on minors.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Protect Children’s In-  
5 nocence Act”.

6 **SEC. 2. GENDER AFFIRMING CARE ON MINORS PROHIB-**  
7 **ITED.**

8 Chapter 110 of title 18, United States Code, is  
9 amended—

10 (1) by adding at the end the following:

1 **“§ 2260B. Gender affirming care for minors**

2 “(a) IN GENERAL.—Whoever, in any circumstance  
3 described in subsection (e), knowingly performs any gen-  
4 der affirming care on a minor is guilty of a class C felony.

5 “(b) PROHIBITION ON PROSECUTION OF PERSON ON  
6 WHOM INTERVENTION IS PERFORMED.—No person on  
7 whom the gender affirming care under subsection (a) is  
8 performed may be arrested or prosecuted for an offense  
9 under this section.

10 “(c) CIVIL ACTION.—A person on whom gender af-  
11 firming care is performed under this section may bring  
12 a civil action for appropriate relief, including compen-  
13 satory and punitive damages, against each person who  
14 performed the gender affirming care.

15 “(d) DEFINITIONS.—In this section:

16 “(1) GENDER AFFIRMING CARE.—

17 “(A) IN GENERAL.—For purposes of this  
18 chapter, except as provided in subparagraph  
19 (B), the term ‘gender affirming care’ means,  
20 with respect to an individual, any of the fol-  
21 lowing:

22 “(i) Performing any surgery for the  
23 purpose of changing the body of such indi-  
24 vidual to correspond to a sex that differs  
25 from their biological sex, including—

26 “(I) castration;

- 1 “(II) orchiectomy;  
2 “(III) scrotoplasty;  
3 “(IV) vasectomy;  
4 “(V) hysterectomy;  
5 “(VI) oophorectomy;  
6 “(VII) ovariectomy;  
7 “(VIII) metoidioplasty;  
8 “(IX) penectomy;  
9 “(X) phalloplasty;  
10 “(XI) vaginoplasty;  
11 “(XII) vaginectomy;  
12 “(XIII) vulvoplasty;  
13 “(XIV) reduction  
14 thyrochondroplasty;  
15 “(XV) chondrolaryngoplasty; and  
16 “(XVI) mastectomy.
- 17 “(ii) Any plastic surgery that femi-  
18 nizes or masculinizes the facial features for  
19 the purposes described in clause (i).
- 20 “(iii) Any placement of chest implants  
21 to create feminine breasts for the purposes  
22 described in clause (i).
- 23 “(iv) Any placement of fat or artificial  
24 implants in the gluteal region for the pur-  
25 poses described in clause (i).

1           “(v) Administering, supplying, pre-  
2           scribing, dispensing, distributing, or other-  
3           wise conveying to an individual medications  
4           for the purposes described in clause (i), in-  
5           cluding—

6                   “(I) gonadotropin-releasing hor-  
7                   mone (GnRH) analogues or other pu-  
8                   berty-blocking drugs to stop or delay  
9                   normal puberty;

10                   “(II) testosterone or other  
11                   androgens to biological females at  
12                   doses that are supraphysiologic to the  
13                   female sex; and

14                   “(III) estrogen to biological  
15                   males at doses that are  
16                   supraphysiologic to the male sex.

17           “(B) EXCEPTION.—Subparagraph (A)  
18           shall not apply to the following individuals:

19                   “(i) An individual with both ovarian  
20                   and testicular tissue.

21                   “(ii) An individual with respect to  
22                   whom a physician has determined through  
23                   genetic or biochemical testing that the in-  
24                   dividual does not have normal sex chro-

1                   mosome structure, sex steroid hormone  
2                   production, or sex steroid hormone action.

3                   “(iii) An individual experiencing infec-  
4                   tion, disease, injury, or disorder caused or  
5                   exacerbated by previous gender transition  
6                   procedures.

7                   “(iv) An individual suffering from a  
8                   physical disorder, physical injury, or phys-  
9                   ical illness that would, as certified by a  
10                  physician, place the individual in imminent  
11                  danger of death or impairment of a major  
12                  bodily function unless the procedure is per-  
13                  formed.

14                  “(2) BIOLOGICAL SEX.—The term ‘biological  
15                  sex’ means the indication of male or female sex by  
16                  reproductive potential or capacity, sex chromosomes,  
17                  naturally occurring sex hormones, gonads, or inter-  
18                  nal or external genitalia present at birth.

19                  “(3) MINOR.—The term ‘minor’ means any per-  
20                  son under the age of eighteen years.

21                  “(e) CIRCUMSTANCES DESCRIBED.—For purposes of  
22                  subsection (a), the circumstances described in this sub-  
23                  section are that—

24                  “(1) the defendant or victim traveled in inter-  
25                  state or foreign commerce, or traveled using a

1 means, channel, facility, or instrumentality of inter-  
2 state or foreign commerce, in furtherance of or in  
3 connection with the conduct described in subsection  
4 (a);

5 “(2) the defendant used a means, channel, fa-  
6 cility, or instrumentality of interstate or foreign  
7 commerce in furtherance of or in connection with  
8 the conduct described in subsection (a);

9 “(3) any payment of any kind was made, di-  
10 rectly or indirectly, in furtherance of or in connec-  
11 tion with the conduct described in subsection (a)  
12 using any means, channel, facility, or instrumen-  
13 tality of interstate or foreign commerce or in or af-  
14 fecting interstate or foreign commerce;

15 “(4) the defendant transmitted in interstate or  
16 foreign commerce any communication relating to or  
17 in furtherance of the conduct described in subsection  
18 (a) using any means, channel, facility, or instrumen-  
19 tality of interstate or foreign commerce or in or af-  
20 fecting interstate or foreign commerce by any means  
21 or in manner, including by computer, mail, wire, or  
22 electromagnetic transmission;

23 “(5) any instrument, item, substance, or other  
24 object that has traveled in interstate or foreign com-

1 merce was used to perform the conduct described in  
2 subsection (a);

3 “(6) the conduct described in subsection (a) oc-  
4 curred within the special maritime and territorial ju-  
5 risdiction of the United States, or any territory or  
6 possession of the United States; or

7 “(7) the conduct described in subsection (a)  
8 otherwise occurred in or affected interstate or for-  
9 eign commerce.

10 “(f) RULE OF CONSTRUCTION.—Nothing in this sec-  
11 tion shall be construed as prohibiting provision of the med-  
12 ical services described in subsection (d)(1)(A) to address  
13 legitimate health issues, such as any male or female repro-  
14 ductive cancers, apart from changing the body to cor-  
15 respond to a sex that differs from one’s biological sex.”;  
16 and

17 (2) by amending the table of sections for such  
18 chapter by adding at the end the following:

“2260B. Gender affirming care on minors.”.

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