

118TH CONGRESS
1ST SESSION

S. 1597

To amend chapter 110 of title 18, United States Code, to prohibit gender transition procedures on minors, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MAY 15, 2023

Mr. MARSHALL (for himself, Mrs. BLACKBURN, Mr. CRAMER, Mr. BRAUN, Mr. DAINES, Mrs. HYDE-SMITH, Mr. MULLIN, and Mr. WICKER) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To amend chapter 110 of title 18, United States Code, to prohibit gender transition procedures on minors, and for other purposes.

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 “Protecting Children
5 From Experimentation Act of 2023”.

6 **SEC. 2. GENDER TRANSITION PROCEDURES ON MINORS**
7 **PROHIBITED.**

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

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

2 **“§ 2260B. Gender transition procedures on minors**

3 “(a) IN GENERAL.—Any physical or mental
4 healthcare professional who knowingly performs or pro-
5 vides a referral for any gender transition procedure on a
6 minor shall be fined under this title, imprisoned not more
7 than 5 years, or both.

8 “(b) PROHIBITION ON PROSECUTION OF PERSON ON
9 WHOM PROCEDURES ARE PERFORMED.—No person on
10 whom the gender transition procedure under subsection
11 (a) is performed may be arrested or prosecuted for an of-
12 fense under this section.

13 “(c) CIVIL ACTION.—A person on whom a gender
14 transition procedure is performed under this section may
15 bring a civil action for appropriate relief against each per-
16 son who performed the gender transition procedure.

17 “(d) DEFINITIONS.—In this section:

18 “(1) BIOLOGICAL SEX.—The term ‘biological
19 sex’ means the biological indication of male and fe-
20 male in the context of reproductive potential or ca-
21 pacity, such as sex chromosomes, naturally occurring
22 sex hormones, gonads, and nonambiguous internal
23 and external genitalia present at birth, without re-
24 gard to the psychological, chosen, or subjective expe-
25 rience of the gender of an individual.

1 “(2) CROSS-SEX HORMONES.—The term ‘cross-
2 sex hormones’ means—

3 “(A) testosterone or other androgens given
4 to biological females at doses that are pro-
5 foundly larger or more potent than would nor-
6 mally occur naturally in healthy biological fe-
7 males; and

8 “(B) estrogen given to biological males at
9 doses that are profoundly larger or more potent
10 than would normally occur naturally in healthy
11 biological males.

12 “(3) GENDER.—The term ‘gender’ means the
13 psychological, behavioral, social, and cultural aspects
14 of being male or female.

15 “(4) GENDER TRANSITION.—The term ‘gender
16 transition’ means the process in which an individual
17 goes from identifying with and living as a gender
18 that corresponds to his or her biological sex to iden-
19 tifying with and living as a gender different from his
20 or her biological sex, and may involve social, legal,
21 or physical changes.

22 “(5) GENDER TRANSITION PROCEDURE.—

23 “(A) IN GENERAL.—The term ‘gender
24 transition procedure’ means any medical or sur-
25 gical service that seeks—

1 “(i) to alter or remove physical or an-
2 anatomical characteristics or features that
3 are typical for the individual’s biological
4 sex; or

5 “(ii) to instill or create physiological
6 or anatomical characteristics that resemble
7 a sex different from the individual’s birth
8 sex.

9 “(B) INCLUSIONS.—For purposes of sub-
10 paragraph (A), the term ‘medical or surgical
11 service’ includes—

12 “(i) physician’s services;

13 “(ii) inpatient and outpatient hospital
14 services;

15 “(iii) prescribed drugs relating to gen-
16 der transition;

17 “(iv) a medical service that provides—

18 “(I) puberty-blocking drugs;

19 “(II) cross-sex hormones; or

20 “(III) other mechanisms to pro-
21 mote the development of feminizing or
22 masculinizing features (in the opposite
23 sex); and

24 “(v) gender transition surgery.

1 “(C) EXCLUSIONS.—The term ‘gender
2 transition procedure’ does not include—

3 “(i) services to individuals born with a
4 medically verifiable disorder of sex develop-
5 ment, including an individual with external
6 biological sex characteristics that are
7 irresolvably ambiguous, such as an indi-
8 vidual born with 46 XX chromosomes with
9 virilization, an individual born with 46 XY
10 chromosomes with undervirilization, or an
11 individual born having both ovarian and
12 testicular tissue;

13 “(ii) services provided when a physi-
14 cian has otherwise diagnosed a disorder of
15 sexual development in which the physician
16 has determined through genetic or bio-
17 chemical testing that the individual does
18 not have normal sex chromosome struc-
19 ture, sex steroid hormone production, or
20 sex steroid hormone action for a biological
21 male or biological female; or

22 “(iii) the treatment of any infection,
23 injury, disease, or disorder that has been
24 caused by or exacerbated by the perform-
25 ance of gender transition procedures,

1 whether or not the gender transition proce-
2 dure was performed in accordance with
3 State and Federal law or whether or not
4 funding for the gender transition proce-
5 dure is permissible under this section.

6 “(6) GENDER TRANSITION SURGERY.—

7 “(A) IN GENERAL.—The term ‘gender
8 transition surgery’ means any medical or sur-
9 gical service that seeks to surgically alter or re-
10 move healthy physical or anatomical character-
11 istics or features that are typical for the indi-
12 vidual’s biological sex in order to instill or cre-
13 ate physiological or anatomical characteristics
14 that resemble a sex different from the individ-
15 ual’s birth sex.

16 “(B) INCLUSIONS.—The term ‘gender
17 transition surgery’ includes genital gender tran-
18 sition surgery and non-genital gender transition
19 surgery.

20 “(C) EXCLUSIONS.—The term ‘gender
21 transition surgery’ does not include any proce-
22 dure undertaken because the individual suffers
23 from a physical disorder, physical injury, or
24 physical illness that would, as certified by a
25 physician, place the individual in imminent dan-

1 ger of death or impairment of major bodily
 2 function unless surgery is performed for the
 3 purpose of a gender transition or for the allevi-
 4 ation of psychological or mental distress.

5 “(7) GENITAL GENDER TRANSITION SUR-
 6 GERY.—The term ‘genital gender transition surgery’
 7 means a surgical procedure performed for the pur-
 8 pose of assisting an individual with a gender transi-
 9 tion, including—

10 “(A) for biologically male patients, a
 11 penectomy, orchiectomy, vaginoplasty,
 12 clitoroplasty, and vulvoplasty; and

13 “(B) for biologically female patients, a
 14 hysterectomy/ovariectomy, reconstruction of the
 15 fixed part of the urethra with or without a
 16 metoidioplasty or a phalloplasty, vaginectomy,
 17 scrotoplasty, and implantation of erection or
 18 testicular prostheses.

19 “(8) MINOR.—The term ‘minor’ means an indi-
 20 vidual under the age of 18.

21 “(9) NON-GENITAL GENDER TRANSITION SUR-
 22 GERY.—The term ‘non-genital gender transition sur-
 23 gery’ means a surgical procedure performed for the
 24 purpose of assisting an individual with a gender
 25 transition, including—

1 “(A) for biologically male patients, aug-
2 mentation mammoplasty, facial feminization
3 surgery, liposuction, lipofilling, voice surgery,
4 thyroid cartilage reduction, gluteal augmenta-
5 tion (implants/lipofilling), hair reconstruction,
6 and various aesthetic procedures; and

7 “(B) for biologically female patients, sub-
8 cutaneous mastectomy, voice surgery,
9 liposuction, lipofilling, pectoral implants, and
10 various aesthetic procedures.

11 “(10) PUBERTY-BLOCKING DRUGS.—The term
12 ‘puberty-blocking drugs’ means—

13 “(A) Gonadotropin-releasing hormone
14 (GnRH) analogues or other synthetic drugs
15 used in biological males to stop luteinizing hor-
16 mone secretion and therefore testosterone secre-
17 tion; and

18 “(B) synthetic drugs used in biological fe-
19 males that stop the production of estrogen and
20 progesterone, when used to delay or suppress
21 pubertal development in children for the pur-
22 pose of assisting an individual with a gender
23 transition.”; and

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

“2260B. Gender transition procedures on minors.”.

○