



MODEL BILL

Save Adolescents from Experimentation (SAFE) Act

A BILL

To amend existing law to prohibit certain procedures to disguise a minor child's sex and to designate this act as the Save Adolescents from Experimentation (SAFE) Act.

BE IT ENACTED –

That [existing law] be amended to read as follows:

The [chamber] hereby finds and declares all of the following:

- (A) This state has a compelling government interest in protecting the health and safety of its citizens, especially vulnerable children;
- (B) Only a tiny percentage of the American population experiences distress at accepting their biological sex. According to the American Psychiatric Association, prevalence ranges from 0.005 to 0.014 per cent for adult males and from 0.002 to 0.003 per cent for females;

- (C) Studies consistently demonstrate that the vast majority of children who do not conform to sex stereotypes and/or experience distress at accepting their sex come to accept their sex in adolescence or adulthood, thereby rendering most medical interventions unnecessary;
- (D) Scientific studies show that individuals struggling with distress at accepting their sex often have already experienced psychopathology, which indicates these individuals should be encouraged to seek mental health care services before undertaking any hormonal or surgical intervention;
- (E) Suicide rates, psychiatric morbidities, and mortality rates remain markedly elevated above the background population after inpatient procedures to disguise sex have been performed;
- (F) Some health care providers are prescribing puberty-blocking drugs in order to delay the onset or progression of normally-timed puberty in children who experience distress with their biological sex. This is being done despite the lack of any long-term longitudinal studies evaluating the risks and benefits of using these drugs for the treatment of such distress or to disguise an individual's biological sex;
- (G) Health care providers are also prescribing cross-sex hormones for children who experience distress with their biological sex, despite the fact that no randomized clinical trials have been conducted on the efficacy or safety of the use of cross-sex hormones in adults or children for the treatment of such distress or to disguise an individual's biological sex;
- (H) The use of cross-sex hormones comes with the following serious known risks:
 - a. For females, erythrocytosis, severe liver dysfunction, coronary artery disease, cerebrovascular disease, hypertension, increased risk of breast and uterine cancers, and irreversible infertility.
 - b. For males, thromboembolic disease, cholelithiasis, coronary artery disease, macroprolactinoma, cerebrovascular disease, hypertriglyceridemia, breast cancer, and irreversible infertility.
- (I) Genital and non-genital surgeries to disguise sex are generally not recommended for children, although evidence indicates referrals for children to have such surgeries are becoming more frequent;
- (J) Genital surgery to disguise sex includes several irreversible invasive procedures for males and females and involves the following alterations of biologically normal and functional body parts:

- a. For males, surgery may involve genital reconstruction including penectomy, orchiectomy, vaginoplasty, clitoroplasty, and vulvoplasty.
 - b. For females, surgery may involve a hysterectomy or oophorectomy, reconstruction of the urethra, genital reconstruction including metoidioplasty or phalloplasty, vaginectomy, scrotoplasty, and implantation of erection or testicular prostheses.
- (K) The complications, risks, and long-term care concerns associated with genital surgery for both males and females are numerous and complex;
- (L) Non-genital surgery to disguise sex includes various invasive procedures for males and females and also involves the alteration or removal of biologically normal and functional body parts:
 - a. For males, procedures may include augmentation mammoplasty, facial feminization surgery, liposuction, lipofilling, voice surgery, thyroid cartilage reduction, gluteal augmentation, hair reconstruction, and other aesthetic procedures.
 - b. For females, procedures may include subcutaneous mastectomy, voice surgery, liposuction, lipofilling, pectoral implants, and other aesthetic procedures.
- (M) It is an accepted principle of economics and public policy that when a service or product is subsidized or paid for, demand for that service or product increases. Just between 2015 and 2016, surgeries to disguise sex increased by twenty per cent;
- (N) It is of grave concern to the [chamber] that the medical community is allowing individuals who experience distress-with their biological sex to be subjects of irreversible and drastic non-genital surgery to disguise sex and irreversible, permanently sterilizing genital surgery to disguise sex, despite the lack of studies showing that the benefits of such extreme interventions outweigh the risks;
- (O) The risks of social, pharmaceutical, or surgical procedures to disguise biological sex far outweigh any benefit at this stage of clinic study on these procedures.
- (P) “Gender” is nothing more than regressive sex-role stereotypes, a set of learned, coerced visual presentations and behaviors whose purpose and effect is to enforce submissiveness in all women and girls. Enshrining this regressive concept into law in any way constitutes unjust sex discrimination.

Definitions –

As used in this chapter:

(A) “Biological sex,” “birth sex,” and “sex” mean the biological indication of male and female, including sex chromosomes, naturally occurring sex hormones, gonads, and nonambiguous internal and external genitalia present at birth, without regard to an individual's psychological, chosen, or subjective experience of gender.

(B) "Cross-sex hormones" means testosterone or other androgens given to females at doses that are profoundly larger or more potent than would normally occur naturally in healthy females, or estrogen given to males at doses that are profoundly larger or more potent than would normally occur naturally in healthy males.

(C) "Gender" means the set of culturally taught and coerced visual presentations and behaviors whose purpose and effect is to enforce submissiveness in women and girls.

(D) "Surgery to disguise sex[KD1]" means any medical or surgical service that seeks to surgically alter or remove healthy physical or anatomical characteristics or features that are typical for the individual's biological sex, in order to instill or create physiological or anatomical characteristics that resemble a sex different from the individual's birth sex including, without limitation, genital or non-genital surgery to disguise sex performed for the purpose of assisting an individual to disguise his or her biological sex.”

(E) “Social, pharmaceutical, or surgical procedures to disguise biological sex” means the process in which a person goes from accepting his or her biological sex to claiming to be the opposite sex, or neither sex. It may include demands for changes in pronouns used by others to refer to the individual, changes to legal status, and changes to physical appearance through use of drugs and surgeries, that are at odds with those of his or her sex.

(F) “Social, pharmaceutical, or surgical procedures to disguise biological sex” includes any medical or surgical service, including physician services, inpatient and outpatient hospital services, or prescription drugs related to the purpose of disguising biological sex, that seeks to alter or remove physical or anatomical characteristics or features that are typical for the individual’s biological sex, or to instill or create physiological or anatomical characteristics that resemble a sex different from the individual's sex including medical services that provide puberty blocking drugs, cross-sex hormones, or other mechanisms to promote the development of feminizing or masculinizing features in the opposite sex, or genital or non-genital surgery to

disguise sex surgery performed for the purpose of assisting an individual to disguise his or her biological sex.

(G) "Surgery to disguise sex" means surgical procedures such as penectomy, orchiectomy, vaginoplasty, clitoroplasty, or vulvoplasty for male patients or hysterectomy, ovariectomy, reconstruction of the fixed part of the urethra with or without a metoidioplasty or a phalloplasty, vaginectomy, scrotoplasty, or implantation of erection and testicular prostheses for female patients when performed for the purpose of disguising an individual's biological sex.

(H) "Medical health care professional" means any of the following:

- a. A nurse licensed under [applicable Code section];
- b. A physician assistant licensed under [applicable Code section];
- c. A psychiatrist or psychologist licensed under [applicable Code section];
- d. A pharmacist licensed under [applicable Code section];
- e. Any other professional licensed to provide mental health care services.

(I) "Non-genital surgery to disguise sex" means surgical procedures such as augmentation mammoplasty, facial feminization surgery, liposuction, lipofilling, voice surgery, thyroid cartilage reduction, gluteal augmentation, hair reconstruction, or other aesthetic procedures for male patients or subcutaneous mastectomy, voice surgery, liposuction, lipofilling, pectoral implants, or other aesthetic procedures for female patients when performed for the purpose of assisting an individual to disguise his or her biological sex.

(J) "Physician" means a person who is authorized under [applicable Code section] to practice medicine and surgery or osteopathic medicine and surgery.

(K) "Puberty-blocking drugs" means Gonadotropin-releasing hormone analogs or other synthetic drugs used in male patients to stop luteinizing hormone secretion and therefore, testosterone secretion, or synthetic drugs used in females that stop the production of estrogens and progesterone, when used to delay or suppress pubertal development in children for the purpose of assisting an individual with a gender transition.

(L) "Public funds" means any state, county, or local government moneys, in addition to any department, agency, or instrumentality authorized or appropriated pursuant to state law or derived from any fund in which such moneys are deposited.

Social, pharmaceutical, or surgical procedures to disguise biological sex, as defined herein do not include any of the following –

- (A) Services provided to individuals born with a medically verifiable disorder of sex development, including a person with external biological sex characteristics that are irresolvably ambiguous, such as an individual born with forty-six XX chromosomes with virilization, forty-six XY chromosomes with undervirilization, or having both ovarian and testicular tissue;
- (B) Services provided to an individual when a physician has otherwise diagnosed a disorder of sexual development, in which the physician has determined through genetic or biochemical testing that the individual does not have normal sex chromosome structure, sex steroid hormone production, or sex steroid hormone action for a male or female;
- (C) Notwithstanding [applicable Code section] the treatment of any infection, injury, disease, or disorder that has been caused or exacerbated by the performance of procedures to disguise sex, whether or not the procedures were performed in accordance with state and federal law.
- (D) Surgery to disguise sex, as defined herein, does not include any procedure undertaken because an individual suffers from a physical disorder, physical injury, or physical illness that is certified by a physician and that would place the individual in imminent danger of death or impairment of major bodily function unless surgery is performed.

Procedures prohibited –

- (A) No physician or other medical health care professional shall provide social, pharmaceutical, or surgical procedures to disguise biological sex to any person under eighteen years of age.
- (B) No physician, mental health provider, or other medical health care professional shall refer any person under eighteen years of age to any medical doctor for such procedures.

Practices prohibited –

- (A) No nurse, counselor, teacher, principal, or other official or staff at a public or private school shall do either of the following:

- a. Encourage or coerce a minor to withhold from the minor's parent or legal guardian the fact that the minor's perception of his or her gender is inconsistent with his or her sex;
- b. Withhold from a minor's parent or legal guardian information related to the minor's perception of his or her sex.

Expenditures prohibited –

(A) No public funds shall be directly or indirectly used, granted, paid, or distributed to any entity, organization, or individual that provides social, pharmaceutical, or surgical procedures to disguise biological sex to any minor.

(B) Health care services furnished by or in a health care facility owned or operated by the state, a county or local government entity, or by a physician or other individual employed by the state, or a county or local government entity, shall not include social, pharmaceutical, or surgical procedures to disguise biological sex for minors.

(C) Any amount paid by an individual or entity during a taxable year for the provision of social, pharmaceutical, or surgical procedures to disguise biological sex to minors or as premiums for health care coverage that includes coverage for such procedures on minors is not tax deductible under [applicable code section].

(D) Medical assistance provided under the Medicaid program shall not include social, pharmaceutical, or surgical procedures to disguise biological sex for minors.

(E) The benefit package for eligible children under any health insurance policy or other plan providing health care coverage in this state shall not include reimbursement for social, pharmaceutical, or surgical procedures to disguise biological sex for any person under eighteen years of age.

Misconduct –

(A) Any provision of social, pharmaceutical, or surgical procedures to disguise biological sex to a person under eighteen years of age shall be considered unprofessional conduct and shall be

subject to discipline by the licensing entity with jurisdiction over the physician, mental health provider, or other medical health care professional.

Civil cause of action –

(A) A person may assert an actual or threatened violation of this chapter as a claim or defense in a judicial or administrative proceeding and obtain compensatory damages, injunctive relief, declaratory relief, or any other appropriate relief.

(B) A person shall be required to bring a claim for a violation of this chapter not later than two years after the day the cause of action accrues. A minor may bring an action before reaching eighteen years of age through a parent or guardian, and may bring an action in the minor's own name upon reaching eighteen years of age at any time from that point until twenty years after.

(C) Notwithstanding any other provision of the [name of Code], an action under this chapter may be commenced, and relief may be granted, in a judicial proceeding without regard to whether the person commencing the action has sought or exhausted available administrative remedies.

(D) In any action or proceeding to enforce a provision of this chapter, a prevailing party who establishes a violation of this chapter shall be entitled to recover reasonable attorneys' fees.

Official action –

(A) The attorney general [or other applicable official] may bring an action to enforce compliance with this chapter. Nothing in this chapter shall be construed to deny, impair, or otherwise affect any right or authority of the attorney general, the state, or any agency, officer, or employee of the state, acting under any provision of the [name of code], to institute or intervene in any proceeding.

Severability –

(A) Items contained in this act, and their applications, are severable. If any item of law contained in this act, or if any application of any item of law contained in this act, is held invalid, the invalidity does not affect other items of law contained in this act and their applications that can be given effect without the invalid item of law or application.

Effectiveness –

(A) The provisions of this act take effect six months after enactment.

[KD1] added this because it previously defined “gender reassignment surgery” and I have removed all references to that throughout the document.