

SENATE COMMITTEE SUBSTITUTE

FOR

SENATE BILL NO. 843

AN ACT

To amend chapter 191, RSMo, by adding thereto one new section relating to gender transition procedures.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapter 191, RSMo, is amended by adding thereto one new section, to be known as section 191.1720, to read as follows:

191.1720. 1. This section shall be known and may be cited as the "Missouri Save Adolescents from Experimentation (SAFE) Act".

2. For purposes of this section, the following terms mean:

(1) "Biological sex", the biological indication of male or female in the context of reproductive potential or capacity, such as 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;

(2) "Cross-sex hormones":

(a) Testosterone or other androgens given to biological sex females in amounts that are larger or more potent than would normally occur naturally in healthy biological sex females; and

(b) Estrogen given to biological sex males in amounts that are larger or more potent than would normally occur naturally in healthy biological sex males;

(3) "Gender", the psychological, behavioral, social, and cultural aspects of being male or female;

(4) "Gender reassignment surgery", 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 biological sex, including, but not limited to, genital or nongenital gender reassignment surgery performed for the purpose of assisting an individual with a gender transition;

(5) "Gender transition", the process in which an individual transitions from identifying with and living as a gender that corresponds to his or her biological sex to identifying and living as a gender different from his or her biological sex, and may involve social, legal, or physical changes;

(6) "Gender transition procedures":

(a) Any medical or surgical service, including, but not limited to, physician's services, inpatient and outpatient hospital services, or prescribed drugs, related to gender transition that seeks to:

a. Alter or remove physical or anatomical characteristics or features that are typical for the individual's biological sex; or

b. Instill or create physiological or anatomical characteristics that resemble a sex different from the individual's biological sex, including, but not limited to:

(i) 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 biological sex; or

(ii) Genital or nongenital gender reassignment surgery performed for the purpose of assisting an individual with a gender transition;

(b) The term "gender transition procedures" shall not include:

a. Services to individuals born with a medically-verifiable disorder of sex development, including, but not limited to, an individual with external biological sex characteristics that are irresolvably ambiguous, such as those born with forty-six XX chromosomes with virilization, forty-six XY chromosomes with undervirilization, or having both ovarian and testicular tissue;

b. Services provided when a physician has otherwise diagnosed an individual with a disorder of sexual development and 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;

c. The treatment of any infection, injury, disease, or disorder that has been caused by or exacerbated by the performance of gender transition procedures regardless of whether the gender transition procedure was performed in accordance with state and federal law; or

d. Any procedure undertaken because the individual suffers from a physical disorder, physical injury, or physical illness that would, as certified by a physician, place the individual in imminent danger of death or impairment of a major bodily function unless surgery is performed;

(7) "Genital gender reassignment surgery", a medical procedure performed for the purpose of assisting an individual with a gender transition, including, but not limited to:

(a) Surgical procedures such as penectomy, orchietomy, vaginoplasty, clitoroplasty, or vulvoplasty for biologically male patients or hysterectomy or ovariectomy for biologically female patients;

(b) Reconstruction of the fixed part of the urethra with or without a metoidioplasty; or

(c) Phalloplasty, vaginectomy, scrotoplasty, or implantation of erection or testicular prostheses for biologically female patients;

(8) "Health care provider", an individual who is licensed, certified, or otherwise authorized by the laws of this state to administer health care in the ordinary course of the practice of his or her profession;

(9) "Nongenital gender reassignment surgery", medical procedures performed for the purpose of assisting an individual with a gender transition, including, but not limited to:

(a) Surgical procedures for biologically male patients, such as augmentation mammoplasty, facial feminization surgery, liposuction, lipofilling, voice surgery, thyroid cartilage reduction, gluteal augmentation, hair reconstruction, or various aesthetic procedures; or

(b) Surgical procedures for biologically female patients, such as subcutaneous mastectomy, voice surgery, liposuction, lipofilling, pectoral implants, or various aesthetic procedures;

(10) "Physician", an individual who is licensed under chapter 334;

(11) "Puberty-blocking drugs", gonadotropin-releasing hormone analogues or other synthetic drugs used in biological sex males to stop luteinizing hormone secretion and therefore testosterone secretion, or synthetic drugs used in biological sex 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.

3. A physician or other health care provider shall not
provide gender transition procedures to any individual under
eighteen years of age and shall not refer any individual
under eighteen years of age to any health care provider for
gender transition procedures.

4. Any referral for or provision of gender transition
procedures to an individual under eighteen years of age
shall be considered unprofessional conduct and any health
care provider doing so may be subject to discipline by the
appropriate licensing entity or disciplinary review board
with competent jurisdiction in this state.

5. The provision of gender transition procedures to an
individual under eighteen years of age in violation of the
provisions of this section shall be considered grounds for a
cause of action against the health care provider for
personal injury or death under chapter 538 and such cause of
action shall be governed by the provisions of such chapter.
An individual under eighteen years of age upon whom gender
transition procedures were performed in violation of this
section may bring the cause of action either through a next
friend or his or her own name, subject to the provisions of
section 516.105.