

SENATE SUBSTITUTE
FOR
SENATE COMMITTEE SUBSTITUTE
FOR
SENATE BILLS NOS. 49, 236 & 164
AN ACT

To amend chapter 191, RSMo, by adding thereto two new sections 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
2 two new sections, to be known as sections 191.1720 and 191.1725,
3 to read as follows:

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

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

6 (1) "Biological sex", the biological indication of
7 male or female in the context of reproductive potential or
8 capacity, such as sex chromosomes, naturally occurring sex
9 hormones, gonads, and nonambiguous internal and external
10 genitalia present at birth, without regard to an
11 individual's psychological, chosen, or subjective experience
12 of gender;

13 (2) "Cross-sex hormones", testosterone, estrogen, or
14 other androgens given to an individual in amounts that are
15 greater or more potent than would normally occur naturally
16 in a healthy individual of the same age and sex;

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

19 (4) "Gender transition", the process in which an
20 individual transitions from identifying with and living as a

21 gender that corresponds to his or her biological sex to
22 identifying and living as a gender different from his or her
23 biological sex, and may involve social, legal, or physical
24 changes;

25 (5) "Gender transition procedures":

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

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

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

36 (i) Medical services that provide puberty-blocking
37 drugs, cross-sex hormones, or other mechanisms to promote
38 the development of feminizing or masculinizing features in
39 the opposite biological sex; or

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

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

45 a. Services to individuals born with a medically-
46 verifiable disorder of sex development, including, but not
47 limited to, an individual with external biological sex
48 characteristics that are irresolvably ambiguous, such as
49 those born with 46,XX chromosomes with virilization, 46,XY
50 chromosomes with undervirilization, or having both ovarian
51 and testicular tissue;

52 b. Services provided when a physician has otherwise
53 diagnosed an individual with a disorder of sex development

54 and determined through genetic or biochemical testing that
55 the individual does not have normal sex chromosome
56 structure, sex steroid hormone production, or sex steroid
57 hormone action;

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

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

69 (6) "Genital gender reassignment surgery", a genital
70 surgical procedure performed for the purpose of assisting an
71 individual with a gender transition, including, but not
72 limited to:

73 (a) Surgical procedures that sterilize, including, but
74 not limited to, castration, vasectomy, hysterectomy,
75 oophorectomy, orchiectomy, or penectomy; or

76 (b) Surgical procedures that artificially construct
77 tissue with the appearance of genitalia that differs from
78 the individual's biological sex, including, but not limited
79 to, metoidioplasty, phalloplasty, and vaginoplasty;

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

84 (8) "Nongenital gender reassignment surgery", a
85 nongenital surgical procedure performed for the purpose of
86 assisting an individual with a gender transition, including,

87 but not limited to, augmentation mammoplasty, subcutaneous
88 mastectomy, facial surgery, liposuction, lipofilling, voice
89 surgery, thyroid cartilage reduction, pectoral implants,
90 gluteal augmentation, hair reconstruction, or various
91 aesthetic procedures;

92 (9) "Physician", an individual who is licensed under
93 chapter 334;

94 (10) "Puberty-blocking drugs", gonadotropin-releasing
95 hormone analogues or other synthetic drugs used to stop
96 luteinizing hormone secretion and follicle stimulating
97 hormone secretion, synthetic antiandrogen drugs to block the
98 androgen receptor, or any other drug used to delay or
99 suppress pubertal development in children for the purpose of
100 assisting an individual with a gender transition.

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

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

112 5. (1) The provision of a gender transition procedure
113 to an individual under eighteen years of age in this section
114 shall be considered grounds for a cause of action against
115 the physician or health care provider. The provisions of
116 chapter 538 shall not apply to any action brought under this
117 subsection.

118 (2) An individual under eighteen years of age may
119 bring an action under this subsection throughout the

120 individual's minority through a parent or next friend and
121 may bring an action under this subsection in the
122 individual's own name upon reaching the age of majority at
123 any time from that point until thirty years after reaching
124 the age of majority or four years from the time of discovery
125 by the injured party of both the injury and the causal
126 relationship between the treatment and the injury, whichever
127 date is later. If, at the time the individual described in
128 subdivision (1) of this subsection attains eighteen years of
129 age, he or she is under a legal disability, the limitation
130 period shall not begin to run until the removal of the
131 disability. The limitation period shall not run during a
132 time period when the individual is subject to threats,
133 intimidation, manipulation, fraudulent concealment, or fraud
134 perpetrated by the physician or other health care provider
135 who provided gender transition procedures or by any person
136 acting in the interest of the physician or other health care
137 provider.

138 (3) An individual bringing an action under this
139 subsection shall be entitled to a rebuttable presumption
140 that the individual was harmed, and that the harm was a
141 direct result of any treatment defined by this section.
142 Such presumption may be rebutted only by clear and
143 convincing evidence.

144 (4) An individual may assert an actual or threatened
145 violation of this section as a claim or defense in a
146 judicial proceeding.

147 (5) The following damages may be awarded to a claimant
148 described in subdivision (1) of this subsection:

- 149 (a) Compensatory damages including, but not limited to:
150 a. Pain and suffering;
151 b. Loss of reputation;
152 c. Loss of income; and

153 d. Loss of consortium, including, but not limited to,
154 the loss of expectation of sharing parenthood;

155 (b) Injunctive relief;

156 (c) Declaratory judgment;

157 (d) Punitive damages; and

158 (e) Any other appropriate relief.

159 (6) A prevailing party who establishes a violation of
160 this section shall recover reasonable attorney's fees.

161 (7) Notwithstanding any other provision of law to the
162 contrary, an action under this subsection may be commenced,
163 and relief may be granted, in a judicial proceeding without
164 regard to whether the individual commencing the action has
165 sought or exhausted available administrative remedies.

166 6. The provisions of this section shall not apply to
167 any speech protected by the First Amendment of the United
168 State Constitution.

169 7. The provisions of this section shall become
170 effective on March 1, 2024.

191.1725. As used in this section, the following terms
2 mean:

3 (1) "Gender transition procedure", the same as in
4 section 191.1720;

5 (2) "Public employee", the same meaning as in section
6 188.200;

7 (3) "Public facility", the same meaning as in section
8 188.200;

9 (4) "Public funding", the same meaning as in section
10 188.200.

11 2. Public funds shall not be directly or indirectly
12 used, granted, paid, or distributed to any individual,
13 entity, or organization that provides, assists in the
14 provision of, or other otherwise counsels for, gender

15 transition procedures to an individual under eighteen years
16 of age.

17 3. Public employees within the scope of their
18 employment shall not provide, or assist in the provision of,
19 or otherwise counsel for, gender transition procedures to an
20 individual under eighteen years of age.

21 4. Public facilities shall not be used for the purpose
22 of performing, or assisting in the performance of, or
23 otherwise counseling for, gender transition procedures to an
24 individual under eighteen years of age.

25 5. The attorney general may bring an action to enforce
26 compliance with the provisions of this section.