

**SENATE AMENDMENT NO. \_\_\_\_\_**

Offered by \_\_\_\_\_ of \_\_\_\_\_

Amend SS/Senate Bill No. 862, Page 1, Section A, Line 3,

2 by inserting after all of said line the following:

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

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

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

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

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

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

27 (5) "Gender transition surgery", a surgical procedure  
28 performed for the purpose of assisting an individual with a  
29 gender transition, including, but not limited to:

30 (a) Surgical procedures that sterilize, including, but  
31 not limited to, castration, vasectomy, hysterectomy,  
32 oophorectomy, orchiectomy, or penectomy;

33 (b) Surgical procedures that artificially construct  
34 tissue with the appearance of genitalia that differs from  
35 the individual's biological sex, including, but not limited  
36 to, metoidioplasty, phalloplasty, or vaginoplasty; or

37 (c) Augmentation mammoplasty or subcutaneous  
38 mastectomy;

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

43 (7) "Puberty-blocking drugs", gonadotropin-releasing  
44 hormone analogues or other synthetic drugs used to stop  
45 luteinizing hormone secretion and follicle stimulating  
46 hormone secretion, synthetic antiandrogen drugs to block the  
47 androgen receptor, or any other drug used to delay or  
48 suppress pubertal development in children for the purpose of  
49 assisting an individual with a gender transition.

50 3. A health care provider shall not knowingly perform  
51 a gender transition surgery on any individual under eighteen  
52 years of age.

53 4. (1) A health care provider shall not knowingly  
54 prescribe or administer cross-sex hormones or puberty-  
55 blocking drugs for the purpose of a gender transition for  
56 any individual under eighteen years of age.

57 (2) The provisions of this subsection shall not apply  
58 to the prescription or administration of cross-sex hormones  
59 or puberty-blocking drugs for any individual under eighteen

60 years of age who was prescribed or administered such  
61 hormones or drugs prior to August 28, 2023, for the purpose  
62 of assisting the individual with a gender transition.

63 [(3) The provisions of this subsection shall expire on  
64 August 28, 2027.]

65 5. The performance of a gender transition surgery or  
66 the prescription or administration of cross-sex hormones or  
67 puberty-blocking drugs to an individual under eighteen years  
68 of age in violation of this section shall be considered  
69 unprofessional conduct and any health care provider doing so  
70 shall have his or her license to practice revoked by the  
71 appropriate licensing entity or disciplinary review board  
72 with competent jurisdiction in this state.

73 6. (1) The prescription or administration of cross-  
74 sex hormones or puberty-blocking drugs to an individual  
75 under eighteen years of age for the purpose of a gender  
76 transition shall be considered grounds for a cause of action  
77 against the health care provider. The provisions of chapter  
78 538 shall not apply to any action brought under this  
79 subsection.

80 (2) An action brought pursuant to this subsection  
81 shall be brought within fifteen years of the individual  
82 injured attaining the age of twenty-one or of the date the  
83 treatment of the injury at issue in the action by the  
84 defendant has ceased, whichever is later.

85 (3) An individual bringing an action under this  
86 subsection shall be entitled to a rebuttable presumption  
87 that the individual was harmed if the individual is  
88 infertile following the prescription or administration of  
89 cross-sex hormones or puberty-blocking drugs and that the  
90 harm was a direct result of the hormones or drugs prescribed  
91 or administered by the health care provider. Such

92 presumption may be rebutted only by clear and convincing  
93 evidence.

94 (4) In any action brought pursuant to this subsection,  
95 a plaintiff may recover economic and noneconomic damages and  
96 punitive damages, without limitation to the amount and no  
97 less than five hundred thousand dollars in the aggregate.  
98 The judgment against a defendant in an action brought  
99 pursuant to this subsection shall be in an amount of three  
100 times the amount of any economic and noneconomic damages or  
101 punitive damages assessed. Any award of damages in an  
102 action brought pursuant to this subsection to a prevailing  
103 plaintiff shall include attorney's fees and court costs.

104 (5) An action brought pursuant to this subsection may  
105 be brought in any circuit court of this state.

106 (6) No health care provider shall require a waiver of  
107 the right to bring an action pursuant to this subsection as  
108 a condition of services. The right to bring an action by or  
109 through an individual under the age of eighteen shall not be  
110 waived by a parent or legal guardian.

111 (7) A plaintiff to an action brought under this  
112 subsection may enter into a voluntary agreement of  
113 settlement or compromise of the action, but no agreement  
114 shall be valid until approved by the court. No agreement  
115 allowed by the court shall include a provision regarding the  
116 nondisclosure or confidentiality of the terms of such  
117 agreement unless such provision was specifically requested  
118 and agreed to by the plaintiff.

119 (8) If requested by the plaintiff, any pleadings,  
120 attachments, or exhibits filed with the court in any action  
121 brought pursuant to this subsection, as well as any  
122 judgments issued by the court in such actions, shall not  
123 include the personal identifying information of the  
124 plaintiff. Such information shall be provided in a

125 confidential information filing sheet contemporaneously  
126 filed with the court or entered by the court, which shall  
127 not be subject to public inspection or availability.

128 7. The provisions of this section shall not apply to  
129 any speech protected by the First Amendment of the United  
130 States Constitution.

131 8. The provisions of this section shall not apply to  
132 the following:

133 (1) Services to individuals born with a medically-  
134 verifiable disorder of sex development, including, but not  
135 limited to, an individual with external biological sex  
136 characteristics that are irresolvably ambiguous, such as  
137 those born with 46,XX chromosomes with virilization, 46,XY  
138 chromosomes with undervirilization, or having both ovarian  
139 and testicular tissue;

140 (2) Services provided when a physician has otherwise  
141 diagnosed an individual with a disorder of sex development  
142 and determined through genetic or biochemical testing that  
143 the individual does not have normal sex chromosome  
144 structure, sex steroid hormone production, or sex steroid  
145 hormone action;

146 (3) The treatment of any infection, injury, disease,  
147 or disorder that has been caused by or exacerbated by the  
148 performance of gender transition surgery or the prescription  
149 or administration of cross-sex hormones or puberty-blocking  
150 drugs regardless of whether the surgery was performed or the  
151 hormones or drugs were prescribed or administered in  
152 accordance with state and federal law; or

153 (4) Any procedure undertaken because the individual  
154 suffers from a physical disorder, physical injury, or  
155 physical illness that would, as certified by a physician,  
156 place the individual in imminent danger of death or

157 impairment of a major bodily function unless surgery is  
158 performed."; and

159 Further amend the title and enacting clause accordingly.