

# SENATE BILL NO. 1185

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR BRATTIN.

3261S.01H

KRISTINA MARTIN, Secretary

## AN ACT

To repeal section 191.1720, RSMo, and to enact in lieu thereof one new section relating to gender transition.

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

Section A. Section 191.1720, RSMo, is repealed and one  
2 new section enacted in lieu thereof, to be known as section  
3 191.1720, 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;

**EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

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 with and living as a gender different from his  
23 or her biological sex, and may involve social, legal, or  
24 physical changes;

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

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

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

35           (c) Augmentation mammoplasty or subcutaneous  
36 mastectomy;

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

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

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

51           4. (1) A health care provider shall not knowingly  
52 prescribe or administer cross-sex hormones or puberty-  
53 blocking drugs for the purpose of a gender transition for  
54 any individual under eighteen years of age.

55           (2) The provisions of this subsection shall not apply  
56 to the prescription or administration of cross-sex hormones  
57 or puberty-blocking drugs for any individual under eighteen  
58 years of age who was prescribed or administered such  
59 hormones or drugs prior to August 28, 2023, for the purpose  
60 of assisting the individual with a gender transition.

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

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

71           6. (1) The prescription or administration of cross-  
72 sex hormones or puberty-blocking drugs to an individual  
73 under eighteen years of age for the purpose of a gender  
74 transition shall be considered grounds for a cause of action  
75 against the health care provider. The provisions of chapter  
76 538 shall not apply to any action brought under this  
77 subsection.

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

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

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

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

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

109           (7) A plaintiff to an action brought under this  
110 subsection may enter into a voluntary agreement of  
111 settlement or compromise of the action, but no agreement  
112 shall be valid until approved by the court. No agreement  
113 allowed by the court shall include a provision regarding the  
114 nondisclosure or confidentiality of the terms of such

115 agreement unless such provision was specifically requested  
116 and agreed to by the plaintiff.

117 (8) If requested by the plaintiff, any pleadings,  
118 attachments, or exhibits filed with the court in any action  
119 brought pursuant to this subsection, as well as any  
120 judgments issued by the court in such actions, shall not  
121 include the personal identifying information of the  
122 plaintiff. Such information shall be provided in a  
123 confidential information filing sheet contemporaneously  
124 filed with the court or entered by the court, which shall  
125 not be subject to public inspection or availability.

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

129 8. The provisions of this section shall not apply to  
130 the following:

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

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

144 (3) The treatment of any infection, injury, disease,  
145 or disorder that has been caused by or exacerbated by the  
146 performance of gender transition surgery or the prescription

147 or administration of cross-sex hormones or puberty-blocking  
148 drugs regardless of whether the surgery was performed or the  
149 hormones or drugs were prescribed or administered in  
150 accordance with state and federal law; or

151 (4) Any procedure undertaken because the individual  
152 suffers from a physical disorder, physical injury, or  
153 physical illness that would, as certified by a physician,  
154 place the individual in imminent danger of death or  
155 impairment of a major bodily function unless surgery is  
156 performed.

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