

SENATE BILL NO. 1264

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR BRATTIN.

5154S.011

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Section A. Section 191.1720, RSMo, is repealed and one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;

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

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 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

shall be valid until approved by the court. No agreement allowed by the court shall include a provision regarding the nondisclosure or confidentiality of the terms of such agreement unless such provision was specifically requested and agreed to by the plaintiff.

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

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

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

(1) 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 46,XX chromosomes with virilization, 46,XY chromosomes with undervirilization, or having both ovarian and testicular tissue;

(2) Services provided when a physician has otherwise diagnosed an individual with a disorder of sex 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;

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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