The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Jerry J. Guillot.

DIGEST

SB 104 Original 2021 Regular Session Fesi

Proposed law requires that no consent executed by a minor to receive gender therapy in this state shall be valid or binding.

Proposed law requires that the providing of gender therapy in this state to a minor shall require prior informed written consent executed as follows:

(1) By the remaining parent if the other parent is dead, unknown, interdicted, found by a court to be mentally incompetent, or has had their parental rights involuntarily terminated pursuant to Ch.C. Art. 1015.

(2) If Paragraph (1) is inapplicable, by both parents of the minor. However, if the parents disagree and custody of the minor has been awarded by court judgment to one or both parents, either parent may move the court for an order approving or rejecting consent in the best interest of the minor. The motion shall be set for contradictory hearing with the other parent and the hearing may be closed to the public. If the court approves consent to the gender therapy, the informed written consent shall be executed by the consenting parent and a copy of the order attached.

(3) If no parent has parental authority, by the caretaker of the minor after approval of the court has been obtained.

Proposed law states that the providing of gender therapy in this state to a minor without the consent required by the proposed law is prohibited, and shall subject the provider to civil and regulatory liability and sanctions provided by law for unauthorized practice.

Proposed law provides definitions, including defining "gender therapy" as:

(1) Counseling or psychotherapy treatment founded on the position that, regardless of a person possessing physical attributes of a certain gender at birth, no gender identity, expression, or experience by that person is any more valid than any other.

(2) Nonsurgical and surgical procedures for gender dysphoria such as hormone treatments and gender-related surgery.

Effective August 1, 2021.

(Adds R.S. 40:1079.4)