

HOUSE SUMMARY OF SENATE AMENDMENTS

HB 648

2023 Regular Session

Firment

HEALTH/CHILDREN: Prohibits certain procedures to alter the sex of a minor child

Synopsis of Senate Amendments

1. Redefines "minor" and "sex".
2. Provides that a minor may not consent to any procedures or services that are prohibited in proposed law.
3. Provides for a grace period of one year from the effective date of proposed law for a minor who currently receives one of the prohibited treatments to have his or her treatment systematically reduced and discontinued.
4. Provides that a person who has been harmed as a result of acts that are prohibited by proposed law or who has been subjected to acts that are prohibited by proposed law with or without consent has a cause of action for damages in a court of competent jurisdiction.
5. Establishes the time periods in which a cause of action for damages is to commence.
6. Establishes provisions for damages and further provides that consent shall not operate as a defense to a petitioner's claim that is filed in accordance with proposed law.
7. Authorizes the attorney general to bring a civil action and provides for injunctive and declaratory relief.
8. Adds an effective date of January 1, 2024.
9. Provides that prohibited acts listed in proposed law shall not be considered healthcare services and further provides that prohibitions listed in proposed law shall not limit or restrict the provision of health care.
10. Adds a severability provision to proposed law.

Digest of Bill as Finally Passed by Senate

Proposed law retains the definition of "healthcare professional" in present law.

Proposed law defines "minor" as any natural person who has not reached the age of majority as provided in present law.

Proposed law defines "sex" as the biological indication of male or female as evidenced by a medical examination of all of the following:

- (1) Sex chromosomes.
- (2) Naturally occurring sex hormones.
- (3) Gonads.
- (4) As well as nonambiguous internal and external genitalia present at birth.

Proposed law prohibits healthcare professionals from knowingly committing any of the following acts that attempt to alter a minor's appearance in an attempt to validate a minor's perception of his sex if the minor's perception is inconsistent with his biological sex:

- (1) The prescription or administration of gonadotropin-releasing hormone analogues or other synthetic drugs.
- (2) The prescription or administration of testosterone, estrogen, or progesterone, in amounts greater than would naturally be produced.
- (3) The performance of any sterilizing surgery.
- (4) The performance of any surgery that artificially constructs tissue having the appearance of genitalia differing from the minor's biological sex.
- (5) The removal of any healthy or non-diseased body part or tissue.
- (6) The performance of any aesthetic surgical procedure.

Proposed law provides that prohibited acts listed in proposed law shall not be considered healthcare services.

Proposed law further provides that prohibitions listed in proposed law shall not limit or restrict the provision of health care.

Proposed law provides that if a healthcare professional has initiated a course of treatment for a minor that violates the provisions of proposed law prior to January 1, 2024, the healthcare professional may institute a period during which the minor's use of the drug or hormone is systematically reduced and discontinued. Proposed law further provides that the period may not extend beyond Dec. 31, 2024.

Proposed law provides that if a professional or occupational licensing board finds that a healthcare professional licensed or certified by the board has violated the provisions of proposed law, the board shall revoke any professional or occupational license or certificate held by the healthcare professional for a minimum of two years.

Proposed law provides that a minor may not consent to any procedures or services that are prohibited in proposed law.

Proposed law provides that a person who has been harmed as a result of acts which are prohibited by proposed law or who has been subjected to acts which are prohibited by proposed law with or without consent has a cause of action for damages in a court of competent jurisdiction.

Proposed law establishes the time periods in which a cause of action for damages is to commence.

Proposed law establishes provisions for damages and further provides that consent shall not operate as defense to a petitioner's claim that is filed in accordance with proposed law.

Proposed law authorizes the attorney general to bring a civil action and provides for injunctive and declaratory relief.

Proposed law adds a severability provision.

Effective January 1, 2024.

(Adds R.S. 40:1098.1-1098.6)