STATE OF OKLAHOMA
1st Session of the 59th Legislature (2023)

SENATE BILL 250
By: Dahm

AS INTRODUCED

An Act relating to public programs; defining terms; prohibiting public funding for provider of gender transition procedures; allowing ineligible provider to reapply for funding under certain conditions; requiring Oklahoma Health Care Authority to publish certain findings; providing certain construction; providing for codification; and declaring an emergency.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 1005.11 of Title 56, unless there is created a duplication in numbering, reads as follows:

A. For purposes of this section:

1. “Provider” means a provider of services for compensation;

2. “Affiliate” means an entity which licenses the use of a trademark or other recognized name to the provider, and which exercises control over the use of part or all of the provider’s name, or any entity so licensed or controlled; and

3. a. “Gender transition procedures” means any medical or surgical service, including but not limited to
physician’s services, inpatient and outpatient hospital services, or prescribed drugs related to gender transition that seeks to:

(1) alter or remove physical or anatomical characteristics or features that are typical for the individual’s biological sex, or

(2) instill or create physiological or anatomical characteristics that resemble a sex different from the individual’s biological sex, including but not limited to medical services that provide puberty-blocking drugs, cross-sex hormones, or other mechanisms to promote the development of feminizing or masculinizing features in the opposite biological sex, or genital or nongenital gender reassignment surgery performed for the purpose of assisting an individual with a gender transition.

b. Gender transition procedures do not include:

(1) services to persons born with a medically verifiable disorder of sex development, including a person 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 a disorder of sexual development that the physician has determined through genetic or biochemical testing that the person does not have normal sex chromosome structure, sex steroid hormone production, or sex steroid hormone action,

(3) the treatment of any infection, injury, disease, or disorder that has been caused by or exacerbated by the performance of gender transition procedures, whether or not the gender transition procedure was performed in accordance with state and federal law, or

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

B. No provider shall be eligible for reimbursement through Medicaid or any other federal or state program or any other funding from any political subdivision of this state including but not
limited to cities, towns, municipalities, or counties, directly or by subcontract with any other party, if that provider, or any affiliate of that provider, performs gender transition procedures.

C. Any providers found to be ineligible for reimbursement or other funding pursuant to this section shall be able to reapply after a period of five (5) years and a showing that they and their affiliates no longer participate in gender transition procedures.

D. Within sixty (60) calendar days of receipt of a complaint of a violation under this section, the Oklahoma Health Care Authority shall publish the findings of its investigation of the complaint and issue a determination of whether a provider has committed a violation of the provisions of this section. Nothing in this section shall preclude other law enforcement entities or a party in qui tam litigation from initiating action regarding this section.

SECTION 2. It being immediately necessary for the preservation of the public peace, health or safety, an emergency is hereby declared to exist, by reason whereof this act shall take effect and be in full force from and after its passage and approval.