COMMITTEE AMENDMENT
HOUSE OF REPRESENTATIVES
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB2177

Page _________ Section _________ Lines _________ Of the printed Bill
Page _________ Section _________ Lines _________ Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by inserting in lieu thereof the following language:

AMEND TITLE TO CONFORM TO AMENDMENTS

Adopted: _____________________________

_______________________________
Reading Clerk
PROPOSED COMMITTEE SUBSTITUTE

An Act relating to public health and safety; defining terms; prohibiting certain health care professionals from performing or attempting to perform gender transition procedures; providing exceptions; prohibiting use of public funds for gender transition procedures; prohibiting certain gender transition procedures; defining certain conduct as unprofessional; requiring revocation of license or certificate; prescribing statute of limitations for disciplinary proceedings; authorizing certain claims or defenses; prescribing statute of limitations; authorizing civil actions by minors; authorizing civil actions after majority; authorizing certain actions without exhaustion of administrative remedies; authorizing attorney fees; authorizing Attorney General to bring enforcement actions; prohibiting state insurance program reimbursements; providing for construction of act; providing for severability; providing for codification; and providing an effective date.

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

Req. No. 7217
SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 2607 of Title 63, unless there is created a duplication in numbering, reads as follows:

A. As used in this section:

1. "Biological sex" means the biological indication of male and female in the context of reproductive potential or capacity, such as sex chromosomes, naturally occurring sex hormones, gonads, and nonambiguous internal and external genitalia present at birth, without regard to an individual's psychological, chosen, or subjective experience of gender;

2. "Gender" means the psychological, behavioral, social, and cultural aspects of being male or female;

3. "Health care professional" means a person who is licensed, certified, or otherwise authorized by the laws of this state to administer health care in the ordinary course of the practice of his or her profession;

4. "Physician" means a person who is licensed in this state to practice medicine; and

5. "Public funds" means state, county, or local government monies, in addition to any department, agency, or instrumentality authorized or appropriated under state law or derived from any fund in which such monies are deposited.

B. A physician, mental health professional, or other health care professional shall not knowingly engage in or cause any of the
following practices to be performed upon any person under eighteen (18) years of age if the practice is performed for the purpose of attempting to alter the appearance of or affirm the minor's perception of his or her gender or sex, if that appearance or perception is inconsistent with the minor's sex as defined in this section:

1. Prescribing or administering gonadotropin-releasing hormone analogues or another synthetic drug used to stop luteinizing hormone and follicle-stimulating hormone secretion, synthetic antiandrogen drugs used to block the androgen receptor, or any drug to suppress or delay normal puberty;

2. Prescribing or administering testosterone, estrogen, or progesterone to a minor in an amount greater than would normally be produced endogenously in a healthy individual of that individual's age and sex;

3. Performing sterilization surgeries, including castration, vasectomy, hysterectomy, oophorectomy, orchietomy, and penectomy;

4. Performing surgeries that artificially construct tissue with the appearance of genitalia that differs from the individual's sex, including metoidioplasty, phalloplasty, and vaginoplasty; or

5. Removing any healthy or non diseased body part or tissue.

C. A physician, mental health professional, or other health care professional shall not knowingly engage in conduct that aids or abets the practices described in subsection B of this section to any
person under eighteen (18) years of age. This section may not be
construed to impose liability on any speech or expressive conduct
protected by the United States or Oklahoma constitution.

D. Subsections B and C of this section do not apply to:

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 under-virilization, 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, is caused by the person not
having normal sex chromosomes structure, sex steroid hormone
production, or sex steroid hormone action;

3. 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
whether or not funding for the gender transition procedure is
permissible under this section; 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 such
procedure is performed.

E. It shall be prohibited for any public funds to be directly
or indirectly used, granted, paid, or distributed to any entity,
organization, or individual who provides the services described in
subsection B of this section to any minor or adult. No facility
that receives public funds shall allow its staff or facilities to be
used to perform the services described in subsection B of this
section on any minor or adult. Any violation of this section shall
result in the loss of public funding to the entity, organization, or
individual for a minimum of one (1) year and shall not be reinstated
until full compliance with this section.

F. 1. Any violation of subsection B or C of this section shall
be considered unprofessional conduct and shall, upon an adverse
ruling by the appropriate licensing board, result in immediate
revocation of the license or certificate of the physician, mental
health professional, or other health care professional.

2. Disciplinary proceedings against the physician, mental
health professional, or health care professional must be commenced
not later than the date as of which the individual upon whom the
services described in subsection B of this section were performed
attains forty-five (45) years of age.

3. A person may assert an actual or threatened violation of
this section as a claim or defense in a judicial or administrative
proceeding and obtain compensatory damages, injunctive relief,
declaratory relief, or any other appropriate relief.

4. A person shall bring a claim for a violation of this section no later than the date of which the individual upon whom the services described in subsection B of this section were performed attains forty-five (45) years of age.

5. An individual under eighteen (18) years of age may bring an action throughout his or her minority through a parent or next friend, and may bring an action in his or her own name upon reaching majority at any time from that point until twenty-seven (27) years after reaching the age of majority.

6. The Attorney General may bring an action to enforce compliance with this section. Nothing in this section shall be construed to deny, impair, or otherwise affect any right or authority of the Attorney General, the state, or any agency, officer, or employee of the state to institute or intervene in any action or proceeding.

7. In any action or proceeding to enforce a provision of this section, a prevailing party who establishes a violation of this section shall recover reasonable attorney fees.

G. Insurance coverage for the services described in subsection B of this section performed within this state on any minor or adult shall be prohibited.
1. A health benefit plan under an insurance policy or other plan providing health care coverage in this state shall not include reimbursement for the services described in subsection B of this section whether performed on a minor or adult.

2. A health benefit plan under an insurance policy or other plan providing health care coverage in this state is not required to provide coverage for the services described in subsection B of this section whether performed on a minor or adult.

H. To the extent the state or any private party is enjoined from enforcing any part or application of this section, all other parts or applications of that subsection and all other subsections are severable and enforceable. It is the Legislature's intent that any lawful subsection, application, or part of a subsection remain enforceable no matter the number of subsections, parts of subsections, or applications deemed unenforceable. Under no circumstance should a court conclude the Legislature intended that the state or private party be enjoined from enforcing any subsection, application, or part of a subsection not deemed independently unenforceable.

SECTION 2. This act shall become effective November 1, 2023.