

SS#2 SCS SBs 49, 236 & 164 -- GENDER TRANSITION PROCEDURES

This bill establishes the "Missouri Save Adolescents from Experimentation (SAFE) Act".

As specified in this bill, no health care provider shall knowingly perform gender transition surgeries on any minor. Until August 28, 2027, no health care provider shall prescribe or administer cross-sex hormones or puberty-blocking drugs to a minor for a gender transition, unless such minor was receiving such treatment prior to August 28, 2023.

A violation of the provision of this bill shall be considered unprofessional conduct and shall result in the revocation of the health care provider's professional license.

Additionally, the prescription or administration of cross-sex hormones or puberty-blocking drugs to a minor for a gender transition shall be grounds for a cause of action against the health care provider. State law governing tort actions based on improper health care under Chapter 538, RSMo, shall not apply to a cause of action brought under the provisions of this bill. Instead, an action must be brought within 15 years of the injured individual reaching 21 years of age or of the date the treatment of the injury has ceased, whichever is later. If requested by the plaintiff, any pleadings, attachments, or exhibits filed with the court, as well as any judgments issued by the court in such actions, shall not include the personal identifying information of the plaintiff.

The individual bringing an action shall have a rebuttable presumption of injury if the individual was infertile following the prescription or administration of the cross-sex hormones or puberty blocking drugs. An injured individual shall be entitled to economic and noneconomic damages, and punitive damages, without limitation to the amount but no less than \$500,000 in the aggregate. The judgment against a defendant shall be in an amount of three times the amount of any economic and noneconomic damages or punitive damages assessed. A plaintiff may enter into a court-approved voluntary agreement of settlement or compromise of the action, but no such agreement can require the nondisclosure or confidentiality of the terms of the agreement.

The provisions of this bill shall not apply to speech protected by the First Amendment.

The provisions of this bill shall not apply to:

(1) Services for individuals born with medically verifiable disorders of sex development;

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

(3) Treatment of any infection, injury, disease, or disorder caused or exacerbated by gender transition surgeries, drugs, or hormones; or

(4) Procedures undertaken because the minor suffers from a physical disorder, physical injury, or physical illness that would place him or her in imminent danger of death or impairment of a major bodily function unless surgery is performed.

Finally, the MO HealthNet program shall not cover gender transition surgeries, cross-sex hormones, or puberty-blocking drugs for the purpose of a gender transition and health care services provided in prisons, jails, and correctional centers shall not include gender transition surgeries.