

SECOND REGULAR SESSION

HOUSE BILL NO. 2033

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE SCHMIDT.

5827H.01I

JOSEPH ENGLER, Chief Clerk

AN ACT

To repeal section 191.1720, RSMo, and to enact in lieu thereof one new section relating to gender transition procedures.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 191.1720, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 191.1720, to read as follows:

191.1720. 1. This section shall be known and may be cited as the "Missouri Save Adolescents from Experimentation (SAFE) Act".

2. For purposes of this section, the following terms mean:

(1) "Biological sex", the biological indication of male or 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) "Cross-sex hormones", testosterone, estrogen, or other androgens given to an individual in amounts that are greater or more potent than would normally occur naturally in a healthy individual of the same age and sex;

(3) "Gender", the psychological, behavioral, social, and cultural aspects of being male or female;

(4) "Gender transition", the process in which an individual transitions from identifying with and living as a gender that corresponds to his or her biological sex to identifying with and living as a gender different from his or her biological sex, and may involve social, legal, or physical changes;

EXPLANATION — Matter enclosed in bold-faced brackets **[thus]** in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

17 (5) "Gender transition surgery", a surgical procedure performed for the purpose of
18 assisting an individual with a gender transition, including, but not limited to:

19 (a) Surgical procedures that sterilize, including, but not limited to, castration,
20 vasectomy, hysterectomy, oophorectomy, orchiectomy, or penectomy;

21 (b) Surgical procedures that artificially construct tissue with the appearance of
22 genitalia that differs from the individual's biological sex, including, but not limited to,
23 metoidioplasty, phalloplasty, or vaginoplasty; or

24 (c) Augmentation mammoplasty or subcutaneous mastectomy;

25 (6) "Health care provider", an individual who is licensed, certified, or otherwise
26 authorized by the laws of this state to administer health care in the ordinary course of the
27 practice of his or her profession;

28 (7) "Puberty-blocking drugs", gonadotropin-releasing hormone analogues or other
29 synthetic drugs used to stop luteinizing hormone secretion and follicle stimulating hormone
30 secretion, synthetic antiandrogen drugs to block the androgen receptor, or any other drug used
31 to delay or suppress pubertal development in children for the purpose of assisting an
32 individual with a gender transition.

33 3. A health care provider shall not knowingly perform a gender transition surgery on
34 any individual under eighteen years of age.

35 4. (1) A health care provider shall not knowingly prescribe or administer cross-sex
36 hormones or puberty-blocking drugs for the purpose of a gender transition for any individual
37 under eighteen years of age.

38 (2) **Before March 1, 2027**, the provisions of this subsection shall not apply to the
39 prescription or administration of cross-sex hormones or puberty-blocking drugs for any
40 individual under eighteen years of age who was prescribed or administered such hormones or
41 drugs prior to August 28, 2023, for the purpose of assisting the individual with a gender
42 transition.

43 ~~[(3) The provisions of this subsection shall expire on August 28, 2027.]~~

44 5. The performance of a gender transition surgery or the prescription or
45 administration of cross-sex hormones or puberty-blocking drugs to an individual under
46 eighteen years of age in violation of this section shall be considered unprofessional conduct
47 and any health care provider doing so shall have his or her license to practice revoked by the
48 appropriate licensing entity or disciplinary review board with competent jurisdiction in this
49 state.

50 6. (1) The prescription or administration of cross-sex hormones or puberty-blocking
51 drugs to an individual under eighteen years of age for the purpose of a gender transition shall
52 be considered grounds for a cause of action against the health care provider. The provisions
53 of chapter 538 shall not apply to any action brought under this subsection.

54 (2) An action brought pursuant to this subsection shall be brought within fifteen years
55 of the individual injured attaining the age of twenty-one or of the date the treatment of the
56 injury at issue in the action by the defendant has ceased, whichever is later.

57 (3) An individual bringing an action under this subsection shall be entitled to a
58 rebuttable presumption that the individual was harmed if the individual is infertile following
59 the prescription or administration of cross-sex hormones or puberty-blocking drugs and that
60 the harm was a direct result of the hormones or drugs prescribed or administered by the health
61 care provider. Such presumption may be rebutted only by clear and convincing evidence.

62 (4) In any action brought pursuant to this subsection, a plaintiff may recover
63 economic and noneconomic damages and punitive damages, without limitation to the amount
64 and no less than five hundred thousand dollars in the aggregate. The judgment against a
65 defendant in an action brought pursuant to this subsection shall be in an amount of three times
66 the amount of any economic and noneconomic damages or punitive damages assessed. Any
67 award of damages in an action brought pursuant to this subsection to a prevailing plaintiff
68 shall include attorney's fees and court costs.

69 (5) An action brought pursuant to this subsection may be brought in any circuit court
70 of this state.

71 (6) No health care provider shall require a waiver of the right to bring an action
72 pursuant to this subsection as a condition of services. The right to bring an action by or
73 through an individual under the age of eighteen shall not be waived by a parent or legal
74 guardian.

75 (7) A plaintiff to an action brought under this subsection may enter into a voluntary
76 agreement of settlement or compromise of the action, but no agreement shall be valid until
77 approved by the court. No agreement allowed by the court shall include a provision regarding
78 the nondisclosure or confidentiality of the terms of such agreement unless such provision was
79 specifically requested and agreed to by the plaintiff.

80 (8) If requested by the plaintiff, any pleadings, attachments, or exhibits filed with the
81 court in any action brought pursuant to this subsection, as well as any judgments issued by the
82 court in such actions, shall not include the personal identifying information of the plaintiff.
83 Such information shall be provided in a confidential information filing sheet
84 contemporaneously filed with the court or entered by the court, which shall not be subject
85 to public inspection or availability.

86 7. The provisions of this section shall not apply to any speech protected by the First
87 Amendment of the United States Constitution.

88 8. The provisions of this section shall not apply to the following:

89 (1) Services to individuals born with a medically-verifiable disorder of sex
90 development, including, but not limited to, an individual with external biological sex

91 characteristics that are irresolvably ambiguous, such as those born with 46,XX chromosomes
92 with virilization, 46,XY chromosomes with undervirilization, or having both ovarian and
93 testicular tissue;

94 (2) Services provided when a physician has otherwise diagnosed an individual with a
95 disorder of sex development and determined through genetic or biochemical testing that the
96 individual does not have normal sex chromosome structure, sex steroid hormone production,
97 or sex steroid hormone action;

98 (3) The treatment of any infection, injury, disease, or disorder that has been caused by
99 or exacerbated by the performance of gender transition surgery or the prescription or
100 administration of cross-sex hormones or puberty-blocking drugs regardless of whether the
101 surgery was performed or the hormones or drugs were prescribed or administered in
102 accordance with state and federal law; or

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

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