

SUBCHAPTER X. GENDER TRANSITIONING AND GENDER REASSIGNMENT PROCEDURES AND TREATMENTS FOR CERTAIN CHILDREN

Sec. 161.701. DEFINITIONS. In this subchapter:

- (1) "Child" means an individual who is younger than 18 years of age.
- (2) "Health care provider" means a person other than a physician who is licensed, certified, or otherwise authorized by this state's laws to provide or render health care or to dispense or prescribe a prescription drug in the ordinary course of business or practice of a profession.
- (3) "Medicaid" means the medical assistance program established under Chapter 32, Human Resources Code.
- (4) "Physician" means a person licensed to practice medicine in this state.

Added by Acts 2023, 88th Leg., R.S., Ch. 335 (S.B. 14), Sec. 2, eff. September 1, 2023.

Sec. 161.702. PROHIBITED PROVISION OF GENDER TRANSITIONING OR GENDER REASSIGNMENT PROCEDURES AND TREATMENTS TO CERTAIN CHILDREN. For the purpose of transitioning a child's biological sex as determined by the sex organs, chromosomes, and endogenous profiles of the child or affirming the child's perception of the child's sex if that perception is inconsistent with the child's biological sex, a physician or health care provider may not knowingly:

- (1) perform a surgery that sterilizes the child, including:
 - (A) castration;
 - (B) vasectomy;
 - (C) hysterectomy;
 - (D) oophorectomy;
 - (E) metoidioplasty;
 - (F) orchiectomy;
 - (G) penectomy;
 - (H) phalloplasty; and
 - (I) vaginoplasty;
- (2) perform a mastectomy;
- (3) provide, prescribe, administer, or dispense any of the following prescription drugs that induce transient or permanent infertility:
 - (A) puberty suppression or blocking prescription drugs to stop or delay normal puberty;

- (B) supraphysiologic doses of testosterone to females; or
- (C) supraphysiologic doses of estrogen to males; or
- (4) remove any otherwise healthy or non-diseased body part or tissue.

Added by Acts 2023, 88th Leg., R.S., Ch. 335 (S.B. 14), Sec. 2, eff. September 1, 2023.

Sec. 161.703. EXCEPTIONS. (a) Section 161.702 does not apply to the provision by a physician or health care provider, with the consent of the child's parent or legal guardian, of:

- (1) puberty suppression or blocking prescription drugs for the purpose of normalizing puberty for a minor experiencing precocious puberty; or

- (2) appropriate and medically necessary procedures or treatments to a child who:

- (A) is born with a medically verifiable genetic disorder of sex development, including:

- (i) 46,XX chromosomes with virilization;
 - (ii) 46,XY chromosomes with undervirilization; or
 - (iii) both ovarian and testicular tissue; or

- (B) does not have the normal sex chromosome structure for male or female as determined by a physician through genetic testing.

- (b) Section 161.702 does not apply to the provision of a prescription drug to a child that is otherwise prohibited by that section if:

- (1) the prescription drug is part of a continuing course of treatment that the child began before June 1, 2023; and

- (2) the child attended 12 or more sessions of mental health counseling or psychotherapy during a period of at least six months before the date the course of treatment described by Subdivision (1) began.

- (c) A child to whom the exception under Subsection (b) applies:

- (1) shall wean off the prescription drug over a period of time and in a manner that is safe and medically appropriate and that minimizes the risk of complications; and

- (2) may not switch to or begin a course of treatment on another prescription drug that a physician or health care provider is prohibited from providing to the child under Section 161.702 or otherwise receive a procedure or treatment prohibited by that section.

Added by Acts 2023, 88th Leg., R.S., Ch. 335 (S.B. 14), Sec. 2, eff. September 1, 2023.

Sec. 161.704. PROHIBITED USE OF PUBLIC MONEY. Public money may not directly or indirectly be used, granted, paid, or distributed to any health care provider, medical school, hospital, physician, or any other entity, organization, or individual that provides or facilitates the provision of a procedure or treatment to a child that is prohibited under Section 161.702.

Added by Acts 2023, 88th Leg., R.S., Ch. 335 (S.B. 14), Sec. 2, eff. September 1, 2023.

Sec. 161.705. PROHIBITED STATE HEALTH PLAN REIMBURSEMENT. The commission may not provide Medicaid reimbursement and the child health plan program established by Chapter 62 may not provide reimbursement to a physician or health care provider for provision of a procedure or treatment to a child that is prohibited under Section 161.702.

Added by Acts 2023, 88th Leg., R.S., Ch. 335 (S.B. 14), Sec. 2, eff. September 1, 2023.

Sec. 161.706. ATTORNEY GENERAL ENFORCEMENT. (a) If the attorney general has reason to believe that a person is committing, has committed, or is about to commit a violation of Section 161.702, the attorney general may bring an action to enforce this subchapter to restrain or enjoin the person from committing, continuing to commit, or repeating the violation.

(b) Venue for an action brought under this section is in a district court of Travis County or the county where the violation occurred or is about to occur.

Added by Acts 2023, 88th Leg., R.S., Ch. 335 (S.B. 14), Sec. 2, eff. September 1, 2023.