

1-1 By: Hall, et al. S.B. No. 250
 1-2 (In the Senate - Filed November 28, 2022; February 15, 2023,
 1-3 read first time and referred to Committee on State Affairs;
 1-4 April 12, 2023, reported favorably by the following vote: Yeas 9,
 1-5 Nays 2; April 12, 2023, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12		X		
1-13		X		
1-14	X			
1-15	X			
1-16	X			
1-17	X			
1-18	X			

1-19 A BILL TO BE ENTITLED
 1-20 AN ACT

1-21 relating to the provision of and professional liability insurance
 1-22 coverage for gender transitioning or gender reassignment medical
 1-23 procedures and treatments for certain children.

1-24 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-25 SECTION 1. Chapter 161, Health and Safety Code, is amended
 1-26 by adding Subchapter X to read as follows:

1-27 SUBCHAPTER X. GENDER TRANSITIONING AND GENDER REASSIGNMENT

1-28 PROCEDURES AND TREATMENTS FOR CERTAIN CHILDREN

1-29 Sec. 161.701. DEFINITIONS. In this subchapter:

1-30 (1) "Child" means an individual who is younger than 18
 1-31 years of age.

1-32 (2) "Health care provider" means a person other than a
 1-33 physician who is licensed, certified, or otherwise authorized by
 1-34 this state's laws to provide or render health care or to dispense or
 1-35 prescribe a prescription drug in the ordinary course of business or
 1-36 practice of a profession.

1-37 (3) "Physician" means a person licensed to practice
 1-38 medicine in this state.

1-39 Sec. 161.702. PROHIBITED PROVISION OF GENDER TRANSITIONING
 1-40 OR GENDER REASSIGNMENT PROCEDURES AND TREATMENTS TO CERTAIN
 1-41 CHILDREN. For the purpose of transitioning a child's biological
 1-42 sex as determined by the sex organs, chromosomes, and endogenous
 1-43 profiles of the child or affirming the child's perception of the
 1-44 child's sex if that perception is inconsistent with the child's
 1-45 biological sex, a physician or health care provider may not:

1-46 (1) perform a surgery that sterilizes the child,
 1-47 including:

1-48 (A) castration;

1-49 (B) vasectomy;

1-50 (C) hysterectomy;

1-51 (D) oophorectomy;

1-52 (E) metoidioplasty;

1-53 (F) orchiectomy;

1-54 (G) penectomy;

1-55 (H) phalloplasty; and

1-56 (I) vaginoplasty;

1-57 (2) perform a mastectomy;

1-58 (3) prescribe, administer, or supply any of the
 1-59 following medications that induce transient or permanent

1-60 infertility:

1-61 (A) puberty-blocking medication to stop or delay

2-1 normal puberty;
2-2 (B) supraphysiologic doses of testosterone to
2-3 females; or
2-4 (C) supraphysiologic doses of estrogen to males;
2-5 or
2-6 (4) remove any otherwise healthy or non-diseased body
2-7 part or tissue.

2-8 Sec. 161.703. EXCEPTIONS. Section 161.702 does not apply
2-9 to the provision by a physician or health care provider, with the
2-10 consent of the child's parent or legal guardian, of appropriate and
2-11 medically necessary gender transitioning or gender reassignment
2-12 procedures or treatments to a child who:

2-13 (1) is born with a medically verifiable genetic
2-14 disorder of sex development, including:

2-15 (A) 46,XX chromosomes with virilization;

2-16 (B) 46,XY chromosomes with undervirilization; or

2-17 (C) both ovarian and testicular tissue; or

2-18 (2) does not have the normal sex chromosome structure
2-19 for male or female as determined by a physician through genetic
2-20 testing.

2-21 Sec. 161.704. DISCIPLINARY ACTION. The Texas Medical Board
2-22 or another state regulatory agency with jurisdiction over a health
2-23 care provider subject to Section 161.702 shall revoke the license,
2-24 certification, or authorization of a physician or health care
2-25 provider who the board or agency determines has violated that
2-26 section.

2-27 SECTION 2. Subchapter F, Chapter 1901, Insurance Code, is
2-28 amended by adding Section 1901.256 to read as follows:

2-29 Sec. 1901.256. PROHIBITED COVERAGE FOR PROVISION OF CERTAIN
2-30 GENDER-RELATED PROCEDURES AND TREATMENTS TO CERTAIN CHILDREN. A
2-31 professional liability insurance policy issued to a physician or
2-32 health care provider may not include coverage for damages assessed
2-33 against the physician or health care provider who provides to a
2-34 child gender transitioning or gender reassignment procedures or
2-35 treatments that are prohibited by Section 161.702, Health and
2-36 Safety Code.

2-37 SECTION 3. Section 1901.256, Insurance Code, as added by
2-38 this Act, applies only to a medical professional liability
2-39 insurance policy that is delivered, issued for delivery, or renewed
2-40 on or after the effective date of this Act. An insurance policy
2-41 that is delivered, issued for delivery, or renewed before the
2-42 effective date of this Act is governed by the law in effect
2-43 immediately before the effective date of this Act, and that law is
2-44 continued in effect for that purpose.

2-45 SECTION 4. This Act takes effect immediately if it receives
2-46 a vote of two-thirds of all the members elected to each house, as
2-47 provided by Section 39, Article III, Texas Constitution. If this
2-48 Act does not receive the vote necessary for immediate effect, this
2-49 Act takes effect September 1, 2023.

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