

By: Schatzline

H.B. No. 1532

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to professional liability insurance coverage for and  
3 prohibitions on the provision to certain children of procedures and  
4 treatments for gender transitioning, gender reassignment, or  
5 gender dysphoria and to the abuse of a child.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

7 SECTION 1. Section [261.001\(1\)](#), Family Code, is amended to  
8 read as follows:

9 (1) "Abuse" includes the following acts or omissions  
10 by a person:

11 (A) mental or emotional injury to a child that  
12 results in an observable and material impairment in the child's  
13 growth, development, or psychological functioning;

14 (B) causing or permitting the child to be in a  
15 situation in which the child sustains a mental or emotional injury  
16 that results in an observable and material impairment in the  
17 child's growth, development, or psychological functioning;

18 (C) physical injury that results in substantial  
19 harm to the child, or the genuine threat of substantial harm from  
20 physical injury to the child, including an injury that is at  
21 variance with the history or explanation given and excluding an  
22 accident or reasonable discipline by a parent, guardian, or  
23 managing or possessory conservator that does not expose the child  
24 to a substantial risk of harm;

1 (D) failure to make a reasonable effort to  
2 prevent an action by another person that results in physical injury  
3 that results in substantial harm to the child;

4 (E) sexual conduct harmful to a child's mental,  
5 emotional, or physical welfare, including conduct that constitutes  
6 the offense of continuous sexual abuse of young child or disabled  
7 individual under Section 21.02, Penal Code, indecency with a child  
8 under Section 21.11, Penal Code, sexual assault under Section  
9 22.011, Penal Code, or aggravated sexual assault under Section  
10 22.021, Penal Code;

11 (F) failure to make a reasonable effort to  
12 prevent sexual conduct harmful to a child;

13 (G) compelling or encouraging the child to engage  
14 in sexual conduct as defined by Section 43.01, Penal Code,  
15 including compelling or encouraging the child in a manner that  
16 constitutes an offense of trafficking of persons under Section  
17 20A.02(a)(7) or (8), Penal Code, solicitation of prostitution under  
18 Section 43.021, Penal Code, or compelling prostitution under  
19 Section 43.05(a)(2), Penal Code;

20 (H) causing, permitting, encouraging, engaging  
21 in, or allowing the photographing, filming, or depicting of the  
22 child if the person knew or should have known that the resulting  
23 photograph, film, or depiction of the child is obscene as defined by  
24 Section 43.21, Penal Code, or pornographic;

25 (I) the current use by a person of a controlled  
26 substance as defined by Chapter 481, Health and Safety Code, in a  
27 manner or to the extent that the use results in physical, mental, or

1 emotional injury to a child;

2 (J) causing, expressly permitting, or  
3 encouraging a child to use a controlled substance as defined by  
4 Chapter 481, Health and Safety Code;

5 (K) causing, permitting, encouraging, engaging  
6 in, or allowing a sexual performance by a child as defined by  
7 Section 43.25, Penal Code;

8 (L) knowingly causing, permitting, encouraging,  
9 engaging in, or allowing a child to be trafficked in a manner  
10 punishable as an offense under Section 20A.02(a)(5), (6), (7), or  
11 (8), Penal Code, or the failure to make a reasonable effort to  
12 prevent a child from being trafficked in a manner punishable as an  
13 offense under any of those sections; ~~or~~

14 (M) forcing or coercing a child to enter into a  
15 marriage; or

16 (N) providing to a child a gender transitioning  
17 or gender reassignment treatment or performing on a child a gender  
18 transitioning or gender reassignment procedure that is prohibited  
19 by Subchapter X, Chapter 161, Health and Safety Code.

20 SECTION 2. Chapter 161, Health and Safety Code, is amended  
21 by adding Subchapter X to read as follows:

22 SUBCHAPTER X. GENDER TRANSITIONING AND GENDER REASSIGNMENT

23 PROCEDURES AND TREATMENTS FOR CERTAIN CHILDREN

24 Sec. 161.701. DEFINITIONS. In this subchapter:

25 (1) "Child" means an individual who is younger than 18  
26 years of age.

27 (2) "Health care provider" means a person other than a

1 physician who is licensed, certified, or otherwise authorized by  
2 the laws of this state to provide or render health care or to  
3 dispense or prescribe a prescription drug in the ordinary course of  
4 business or practice of a profession.

5 (3) "Physician" means a person licensed to practice  
6 medicine in this state.

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

14 (1) perform a surgery to sterilize the child,  
15 including:

16 (A) castration;

17 (B) vasectomy;

18 (C) hysterectomy;

19 (D) oophorectomy;

20 (E) metoidioplasty;

21 (F) orchiectomy;

22 (G) penectomy;

23 (H) phalloplasty; and

24 (I) vaginoplasty;

25 (2) perform a mastectomy;

26 (3) provide, administer, prescribe, or dispense any of  
27 the following prescription drugs that induce transient or permanent

1 infertility:

2 (A) puberty suppression or blocking prescription  
3 drugs to stop or delay normal puberty;

4 (B) supraphysiologic doses of testosterone to  
5 females; or

6 (C) supraphysiologic doses of estrogen to males;  
7 or

8 (4) remove any otherwise healthy or non-diseased body  
9 part or tissue.

10 Sec. 161.703. EXCEPTIONS. The prohibitions under Section  
11 161.702 do not apply to the provision by a physician or health care  
12 provider, with the consent of the child's parent or legal guardian,  
13 of appropriate and medically necessary gender transitioning or  
14 gender reassignment procedures or treatments to a child who:

15 (1) is born with a medically verifiable genetic  
16 disorder of sex development, including:

17 (A) 46, XX chromosomes with virilization;

18 (B) 46, XY chromosomes with undervirilization;

19 or

20 (C) both ovarian and testicular tissue; or

21 (2) does not have the normal sex chromosome structure  
22 for male or female as determined by a physician through genetic  
23 testing.

24 Sec. 161.704. DISCIPLINARY ACTION. The Texas Medical Board  
25 or another state regulatory agency with jurisdiction over a  
26 physician or health care provider subject to Section 161.702 shall  
27 revoke the license, certification, or authorization of a physician

1 or health care provider who the board or agency determines has  
2 violated that section.

3 SECTION 3. Subchapter F, Chapter 1901, Insurance Code, is  
4 amended by adding Section 1901.256 to read as follows:

5 Sec. 1901.256. PROHIBITED COVERAGE FOR PROVISION OF CERTAIN  
6 GENDER-RELATED PROCEDURES AND TREATMENTS TO CERTAIN CHILDREN. A  
7 professional liability insurance policy issued to a physician or  
8 health care provider may not include coverage for damages assessed  
9 against the physician or health care provider who provides to a  
10 child gender transitioning or gender reassignment procedures or  
11 treatments that are prohibited by Section 161.702, Health and  
12 Safety Code.

13 SECTION 4. Section 164.052, Occupations Code, is amended by  
14 amending Subsection (a) and adding Subsection (d) to read as  
15 follows:

16 (a) A physician or an applicant for a license to practice  
17 medicine commits a prohibited practice if that person:

18 (1) submits to the board a false or misleading  
19 statement, document, or certificate in an application for a  
20 license;

21 (2) presents to the board a license, certificate, or  
22 diploma that was illegally or fraudulently obtained;

23 (3) commits fraud or deception in taking or passing an  
24 examination;

25 (4) uses alcohol or drugs in an intemperate manner  
26 that, in the board's opinion, could endanger a patient's life;

27 (5) commits unprofessional or dishonorable conduct

1 that is likely to deceive or defraud the public, as provided by  
2 Section 164.053, or injure the public;

3 (6) uses an advertising statement that is false,  
4 misleading, or deceptive;

5 (7) advertises professional superiority or the  
6 performance of professional service in a superior manner if that  
7 advertising is not readily subject to verification;

8 (8) purchases, sells, barters, or uses, or offers to  
9 purchase, sell, barter, or use, a medical degree, license,  
10 certificate, or diploma, or a transcript of a license, certificate,  
11 or diploma in or incident to an application to the board for a  
12 license to practice medicine;

13 (9) alters, with fraudulent intent, a medical license,  
14 certificate, or diploma, or a transcript of a medical license,  
15 certificate, or diploma;

16 (10) uses a medical license, certificate, or diploma,  
17 or a transcript of a medical license, certificate, or diploma that  
18 has been:

19 (A) fraudulently purchased or issued;

20 (B) counterfeited; or

21 (C) materially altered;

22 (11) impersonates or acts as proxy for another person  
23 in an examination required by this subtitle for a medical license;

24 (12) engages in conduct that subverts or attempts to  
25 subvert an examination process required by this subtitle for a  
26 medical license;

27 (13) impersonates a physician or permits another to

1 use the person's license or certificate to practice medicine in  
2 this state;

3 (14) directly or indirectly employs a person whose  
4 license to practice medicine has been suspended, canceled, or  
5 revoked;

6 (15) associates in the practice of medicine with a  
7 person:

8 (A) whose license to practice medicine has been  
9 suspended, canceled, or revoked; or

10 (B) who has been convicted of the unlawful  
11 practice of medicine in this state or elsewhere;

12 (16) performs or procures a criminal abortion, aids or  
13 abets in the procuring of a criminal abortion, attempts to perform  
14 or procure a criminal abortion, or attempts to aid or abet the  
15 performance or procurement of a criminal abortion;

16 (17) directly or indirectly aids or abets the practice  
17 of medicine by a person, partnership, association, or corporation  
18 that is not licensed to practice medicine by the board;

19 (18) performs an abortion on a woman who is pregnant  
20 with a viable unborn child during the third trimester of the  
21 pregnancy unless:

22 (A) the abortion is necessary to prevent the  
23 death of the woman;

24 (B) the viable unborn child has a severe,  
25 irreversible brain impairment; or

26 (C) the woman is diagnosed with a significant  
27 likelihood of suffering imminent severe, irreversible brain damage



1 or imminent severe, irreversible paralysis;

2 (19) performs an abortion on an unemancipated minor  
3 without the written consent of the child's parent, managing  
4 conservator, or legal guardian or without a court order, as  
5 provided by Section 33.003 or 33.004, Family Code, unless the  
6 abortion is necessary due to a medical emergency, as defined by  
7 Section 171.002, Health and Safety Code;

8 (20) otherwise performs an abortion on an  
9 unemancipated minor in violation of Chapter 33, Family Code;

10 (21) performs or induces or attempts to perform or  
11 induce an abortion in violation of Subchapter C, F, or G, Chapter  
12 171, Health and Safety Code;

13 (22) in complying with the procedures outlined in  
14 Sections 166.045 and 166.046, Health and Safety Code, wilfully  
15 fails to make a reasonable effort to transfer a patient to a  
16 physician who is willing to comply with a directive; ~~or~~

17 (23) performs or delegates to another individual the  
18 performance of a pelvic examination on an anesthetized or  
19 unconscious patient in violation of Section 167A.002, Health and  
20 Safety Code; or

21 (24) for the purpose of facilitating the gender  
22 transition or treating the gender dysphoria of an unemancipated  
23 minor:

24 (A) provides, administers, prescribes, or  
25 dispenses a puberty suppression or blocking prescription drug or  
26 cross-sex hormone to the minor, including by writing a false or  
27 fictitious prescription; or

1           (B) performs or attempts to perform a surgical  
2 intervention on the minor.

3           (d) Notwithstanding Subsection (a)(24), a physician or  
4 applicant for a license to practice medicine does not commit a  
5 prohibited practice if the physician or applicant provides a  
6 puberty suppression or blocking prescription drug to an  
7 unemancipated minor for the purpose of normalizing puberty for a  
8 minor experiencing precocious puberty.

9           SECTION 5. Section 1901.256, Insurance Code, as added by  
10 this Act, applies only to a medical professional liability  
11 insurance policy that is delivered, issued for delivery, or renewed  
12 on or after January 1, 2024. An insurance policy that is delivered,  
13 issued for delivery, or renewed before January 1, 2024, is governed  
14 by the law in effect immediately before the effective date of this  
15 Act, and that law is continued in effect for that purpose.

16           SECTION 6. Section 164.052, Occupations Code, as amended by  
17 this Act, applies only to conduct that occurs on or after the  
18 effective date of this Act. Conduct that occurs before the  
19 effective date of this Act is governed by the law in effect on the  
20 date the conduct occurred, and the former law is continued in effect  
21 for that purpose.

22           SECTION 7. This Act takes effect September 1, 2023.