

By: Oliverson

H.B. No. 1686

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to prohibitions on the provision to certain children of  
3 procedures and treatments for gender transitioning, gender  
4 reassignment, or gender dysphoria and on the use of public money or  
5 public assistance to provide those procedures and treatments.

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

7 SECTION 1. Section 62.151, Health and Safety Code, is  
8 amended by adding Subsection (g) to read as follows:

9 (g) The child health plan may not provide coverage for  
10 services prohibited by Section 161.702 that are intended to  
11 transition a child's biological sex as determined by the child's sex  
12 organs, chromosomes, and endogenous profiles.

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

15 SUBCHAPTER X. GENDER TRANSITIONING AND GENDER REASSIGNMENT

16 PROCEDURES AND TREATMENTS FOR CERTAIN CHILDREN

17 Sec. 161.701. DEFINITIONS. In this subchapter:

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

20 (2) "Health care provider" means a person other than a  
21 physician who is licensed, certified, or otherwise authorized by  
22 this state's laws to provide or render health care or to dispense or  
23 prescribe a prescription drug in the ordinary course of business or  
24 practice of a profession.

1           (3) "Medicaid" means the medical assistance program  
2 established under Chapter 32, Human Resources Code.

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

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

13           (1) perform a surgery that sterilizes the child,  
14 including:

15                   (A) castration;

16                   (B) vasectomy;

17                   (C) hysterectomy;

18                   (D) oophorectomy;

19                   (E) metoidioplasty;

20                   (F) orchiectomy;

21                   (G) penectomy;

22                   (H) phalloplasty; and

23                   (I) vaginoplasty;

24           (2) perform a mastectomy;

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

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

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

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

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

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

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

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

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

19                                   (i) 46,XX chromosomes with virilization;

20                                   (ii) 46,XY chromosomes with  
21 undervirilization; or

22                                   (iii) both ovarian and testicular tissue;

23 or

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

27           Sec. 161.704. PROHIBITED USE OF PUBLIC MONEY. Public money

1 may not directly or indirectly be used, granted, paid, or  
2 distributed to any health care provider, medical school, hospital,  
3 physician, or any other entity, organization, or individual that  
4 provides or facilitates the provision of a procedure or treatment  
5 to a child that is prohibited under Section 161.702.

6 Sec. 161.705. PROHIBITED STATE HEALTH PLAN REIMBURSEMENT.

7 The commission may not provide Medicaid reimbursement and the child  
8 health plan program established by Chapter 62 may not provide  
9 reimbursement to a physician or health care provider for provision  
10 of a procedure or treatment to a child that is prohibited under  
11 Section 161.702.

12 Sec. 161.706. ATTORNEY GENERAL ENFORCEMENT. (a) If the

13 attorney general has reason to believe that a person is committing,  
14 has committed, or is about to commit a violation of Section 161.702,  
15 the attorney general may bring an action to enforce this subchapter  
16 to restrain or enjoin the person from committing, continuing to  
17 commit, or repeating the violation.

18 (b) Venue for an action brought under this section is in a

19 district court of Travis County or the county where the violation  
20 occurred or is about to occur.

21 SECTION 3. Section 32.024, Human Resources Code, is amended  
22 by adding Subsection (pp) to read as follows:

23 (pp) The medical assistance program may not provide

24 coverage for services prohibited by Section 161.702, Health and  
25 Safety Code, that are intended to transition a child's biological  
26 sex as determined by the child's sex organs, chromosomes, and  
27 endogenous profiles.

1 SECTION 4. Section 164.052(a), Occupations Code, is amended  
2 to read as follows:

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

5 (1) submits to the board a false or misleading  
6 statement, document, or certificate in an application for a  
7 license;

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

10 (3) commits fraud or deception in taking or passing an  
11 examination;

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

14 (5) commits unprofessional or dishonorable conduct  
15 that is likely to deceive or defraud the public, as provided by  
16 Section 164.053, or injure the public;

17 (6) uses an advertising statement that is false,  
18 misleading, or deceptive;

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

22 (8) purchases, sells, barter, or uses, or offers to  
23 purchase, sell, barter, or use, a medical degree, license,  
24 certificate, or diploma, or a transcript of a license, certificate,  
25 or diploma in or incident to an application to the board for a  
26 license to practice medicine;

27 (9) alters, with fraudulent intent, a medical license,

1 certificate, or diploma, or a transcript of a medical license,  
2 certificate, or diploma;

3 (10) uses a medical license, certificate, or diploma,  
4 or a transcript of a medical license, certificate, or diploma that  
5 has been:

6 (A) fraudulently purchased or issued;

7 (B) counterfeited; or

8 (C) materially altered;

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

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

14 (13) impersonates a physician or permits another to  
15 use the person's license or certificate to practice medicine in  
16 this state;

17 (14) directly or indirectly employs a person whose  
18 license to practice medicine has been suspended, canceled, or  
19 revoked;

20 (15) associates in the practice of medicine with a  
21 person:

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

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

26 (16) performs or procures a criminal abortion, aids or  
27 abets in the procuring of a criminal abortion, attempts to perform

1 or procure a criminal abortion, or attempts to aid or abet the  
2 performance or procurement of a criminal abortion;

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

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

9 (A) the abortion is necessary to prevent the  
10 death of the woman;

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

13 (C) the woman is diagnosed with a significant  
14 likelihood of suffering imminent severe, irreversible brain damage  
15 or imminent severe, irreversible paralysis;

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

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

24 (21) performs or induces or attempts to perform or  
25 induce an abortion in violation of Subchapter C, F, or G, Chapter  
26 171, Health and Safety Code;

27 (22) in complying with the procedures outlined in

1 Sections 166.045 and 166.046, Health and Safety Code, wilfully  
2 fails to make a reasonable effort to transfer a patient to a  
3 physician who is willing to comply with a directive; ~~[or]~~

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

8 (24) performs a gender transitioning or gender  
9 reassignment procedure or treatment in violation of Section  
10 161.702, Health and Safety Code.

11 SECTION 5. Subchapter B, Chapter 164, Occupations Code, is  
12 amended by adding Section 164.0552 to read as follows:

13 Sec. 164.0552. PROHIBITED ACTS REGARDING GENDER  
14 TRANSITIONING OR GENDER REASSIGNMENT PROCEDURES AND TREATMENTS ON  
15 CERTAIN CHILDREN. (a) The board shall revoke the license or other  
16 authorization to practice medicine of a physician who violates  
17 Section 161.702, Health and Safety Code. The board shall refuse to  
18 admit to examination or refuse to issue a license or renewal license  
19 to a person who violates that section.

20 (b) The sanctions provided by Subsection (a) are in addition  
21 to any other grounds for revocation of a license or other  
22 authorization to practice medicine or for refusal to admit persons  
23 to examination under this subtitle or to issue a license or renew a  
24 license to practice medicine under this subtitle.

25 SECTION 6. Section 164.052, Occupations Code, as amended by  
26 this Act, and Section 164.0552, Occupations Code, as added by this  
27 Act, apply only to conduct that occurs on or after the effective



1 date of this Act. Conduct that occurs before the effective date of  
2 this Act is governed by the law in effect on the date the conduct  
3 occurred, and the former law is continued in effect for that  
4 purpose.

5 SECTION 7. If before implementing any provision of this Act  
6 a state agency determines that a waiver or authorization from a  
7 federal agency is necessary for implementation of that provision,  
8 the agency affected by the provision shall request the waiver or  
9 authorization and may delay implementing that provision until the  
10 waiver or authorization is granted.

11 SECTION 8. This Act takes effect December 1, 2023.