

By: Krause

H.B. No. 166

A BILL TO BE ENTITLED

AN ACT

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

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

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

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 the laws of this state 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) "Physician" means a person licensed to practice medicine in this state.

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

1 child's sex if that perception is inconsistent with the child's
2 biological sex, a physician or health care provider may not:

3 (1) perform a surgery that sterilizes the child,
4 including:

5 (A) castration;

6 (B) vasectomy;

7 (C) hysterectomy;

8 (D) oophorectomy;

9 (E) metoidioplasty;

10 (F) orchiectomy;

11 (G) penectomy;

12 (H) phalloplasty; and

13 (I) vaginoplasty;

14 (2) perform a mastectomy;

15 (3) prescribe, administer, or supply any of the
16 following medications that induce transient or permanent
17 infertility:

18 (A) puberty-blocking medication to stop or delay
19 normal puberty;

20 (B) supraphysiologic doses of testosterone to
21 females; or

22 (C) supraphysiologic doses of estrogen to males;

23 or

24 (4) remove any otherwise healthy or non-diseased body
25 part or tissue.

26 Sec. 161.703. EXCEPTIONS. (a) The prohibitions under
27 Section 161.702 do not apply to the provision by a physician or

1 health care provider, with the consent of the child's parent or
2 legal guardian, of appropriate and medically necessary gender
3 transitioning or gender reassignment procedures or treatments to a
4 child who:

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

7 (A) 46, XX chromosomes with virilization;

8 (B) 46, XY chromosomes with undervirilization;

9 or

10 (C) both ovarian and testicular tissue; or

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

14 (b) The prohibitions under Section 161.702 do not apply to
15 the provision by a physician or health care provider of a puberty
16 suppression or blocking prescription drug to a child experiencing
17 precocious puberty for the purpose of normalizing puberty for the
18 child.

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

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

27 Sec. 1901.256. PROHIBITED COVERAGE FOR PROVISION OF CERTAIN

1 GENDER-RELATED PROCEDURES AND TREATMENTS TO CERTAIN CHILDREN. A
2 professional liability insurance policy issued to a physician or
3 health care provider may not include coverage for damages assessed
4 against the physician or health care provider who provides to a
5 child gender transitioning or gender reassignment procedures or
6 treatments that are prohibited by Section 161.702, Health and
7 Safety Code.

8 SECTION 3. Section 1901.256, Insurance Code, as added by
9 this Act, applies only to a medical professional liability
10 insurance policy that is delivered, issued for delivery, or renewed
11 on or after March 1, 2022. An insurance policy that is delivered,
12 issued for delivery, or renewed before March 1, 2022, is governed by
13 the law in effect immediately before the effective date of this Act,
14 and that law is continued in effect for that purpose.

15 SECTION 4. This Act takes effect immediately if it receives
16 a vote of two-thirds of all the members elected to each house, as
17 provided by Section 39, Article III, Texas Constitution. If this
18 Act does not receive the vote necessary for immediate effect, this
19 Act takes effect on the 91st day after the last day of the
20 legislative session.