

By: Hall

S.B. No. 23

A BILL TO BE ENTITLED

AN ACT

relating to the provision of certain gender-affirming therapy and counseling to 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-AFFIRMING THERAPY AND COUNSELING FOR CHILDREN

Sec. 161.701. DEFINITIONS. In this subchapter:

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

(2) "Governmental entity" means this state, a political subdivision of this state, or an agency of this state or a political subdivision of this state.

(3) "Mental health provider" means a person licensed by this state to provide professional therapy or counseling services.

Sec. 161.702. PROVISION OF CERTAIN GENDER-AFFIRMING THERAPY AND COUNSELING TO CHILDREN. (a) A mental health provider may not provide gender-affirming therapy or counseling to a child to treat gender dysphoria if the purpose of the therapy or counseling is to affirm a gender that is inconsistent with the child's biological sex, as determined by the sex organs, chromosomes, and endogenous profiles of the child.

(b) A governmental entity may not prohibit or restrict in

1 any manner a mental health provider from providing gender-affirming
2 therapy or counseling to a child for the purpose of affirming the
3 gender of the child that is consistent with the child's biological
4 sex, as determined by the sex organs, chromosomes, and endogenous
5 profiles of the child, including therapy or counseling to help
6 achieve the child's objectives of reducing, resolving, or
7 addressing behaviors, mannerisms, or expressions related to gender
8 identity or dysphoria.

9 Sec. 161.703. INJUNCTIVE RELIEF. (a) A mental health
10 provider who is prohibited or restricted from providing
11 gender-affirming therapy or counseling to a child in violation of
12 Section 161.702(b) or the child who is the subject of the violation
13 may bring an action in a district court in the county in which the
14 violation occurred for injunctive relief to prevent further
15 violation of that subsection.

16 (b) A claimant may recover reasonable expenses incurred in
17 bringing an action under this section, including court costs,
18 attorney's fees, investigation costs, witness fees, and deposition
19 expenses.

20 SECTION 2. This Act takes effect December 1, 2021.