

Amend CSHB 567 (house committee printing) on page 2, by striking lines 20 and 21 and substituting the following appropriately numbered SECTION:

SECTION _____. Section 261.001, Family Code, is amended by amending Subdivisions (1) and (4) and adding Subdivisions (3-a) and (3-b) to read as follows:

(1) "Abuse":

(A) includes the following acts or omissions by a person:

(i) [~~(A)~~] mental or emotional injury to a child that results in an observable and material impairment in the child's growth, development, or psychological functioning;

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

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

(iv) [~~(D)~~] failure to make a reasonable effort to prevent an action by another person that results in physical injury that results in substantial harm to the child;

(v) [~~(E)~~] sexual conduct harmful to a child's mental, emotional, or physical welfare, including conduct that constitutes the offense of continuous sexual abuse of young child or children under Section 21.02, Penal Code, indecency with a child under Section 21.11, Penal Code, sexual assault under Section 22.011, Penal Code, or aggravated sexual assault under Section 22.021, Penal Code;

(vi) [~~(F)~~] failure to make a reasonable effort to prevent sexual conduct harmful to a child;

(vii) [~~(G)~~] compelling or encouraging the

child to engage in sexual conduct as defined by Section 43.01, Penal Code, including compelling or encouraging the child in a manner that constitutes an offense of trafficking of persons under Section 20A.02(a)(7) or (8), Penal Code, prostitution under Section 43.02(b), Penal Code, or compelling prostitution under Section 43.05(a)(2), Penal Code;

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

(ix) [~~(I)~~] the current use by a person of a controlled substance as defined by Chapter 481, Health and Safety Code, in a manner or to the extent that the use results in physical, mental, or emotional injury to a child;

(x) [~~(J)~~] causing, expressly permitting, or encouraging a child to use a controlled substance as defined by Chapter 481, Health and Safety Code;

(xi) [~~(K)~~] causing, permitting, encouraging, engaging in, or allowing a sexual performance by a child as defined by Section 43.25, Penal Code;

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

(xiii) [~~(M)~~] forcing or coercing a child to enter into a marriage;

(B) subject to Paragraph (C), includes the following acts by a medical professional or mental health professional for the purpose of attempting to change or affirm a child's perception of the child's sex, if that perception is inconsistent with the child's biological sex as determined by the child's sex organs, chromosomes, and endogenous hormone profiles:

(i) performing a surgery that sterilizes the child, including castration, vasectomy, hysterectomy,

oophorectomy, metoidioplasty, orchiectomy, penectomy, phalloplasty, and vaginoplasty;

(ii) performing a mastectomy;

(iii) administering or supplying any of the following medications that induce transient or permanent infertility:

(a) puberty-blocking medication to stop or delay normal puberty;

(b) supraphysiologic doses of testosterone to females; or

(c) supraphysiologic doses of estrogen to males; or

(iv) removing any otherwise healthy or non-diseased body part or tissue; and

(C) does not include an act described by Paragraph (B) performed on a child born with a medically verifiable genetic disorder of sex development, including:

(i) a child with external biological sex characteristics that are irresolvably ambiguous, including a child born having:

(a) 46, XX chromosomes with virilization;

(b) 46, XY chromosomes with undervirilization; or

(c) both ovarian and testicular tissue; or

(ii) a child who does not have the normal sex chromosome structure for a male or female as determined by a physician through genetic testing.

(3-a) "Medical professional" means a physician, physician assistant, or advanced practice registered nurse licensed to practice in this state.

(3-b) "Mental health professional" means a person who is licensed to practice in this state as a psychologist, psychiatrist, social worker, marriage and family therapist, mental health counselor, or educational psychologist or any other person designated or licensed under state law as a mental health or

behavioral science professional.