

BILL ANALYSIS

Senate Research Center
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S.B. 1311
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AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

Children in Texas are undergoing medical treatments and procedures that alter their natural gender. These treatments range from puberty blocking drugs to surgeries, and can cause irreversible physical and psychological damage. Many of these children develop physical problems such as fertility and bone density issues. There is also an alarmingly high risk of suicide for these individuals. The treatments used to modify the gender of these children are largely unproven and dangerous.

S.B. 1311 aims to address this issue in Texas by prohibiting physicians and other health care providers from prescribing and performing gender transitioning or gender reassignment medical procedures or treatments to children, including surgeries, puberty-blocking drugs, and cross-sex hormones. Exceptions are made for children with medically verifiable genetic sex development disorders.

S.B. 1311 also prohibits physicians and other healthcare providers from receiving coverage from a professional liability insurance policy for these treatments and procedures. In addition, the Texas Medical Board must revoke licenses, certifications, and authorizations of the medical professionals who prescribe or perform these treatments and procedures.

As proposed, S.B. 1311 amends current law relating to the provision of and professional liability insurance coverage for gender transitioning or gender reassignment medical procedures and treatments for certain children.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 161, Health and Safety Code, by adding Subchapter X, as follows:

SUBCHAPTER X. GENDER TRANSITIONING AND GENDER REASSIGNMENT PROCEDURES AND TREATMENTS FOR CERTAIN CHILDREN

Sec. 161.701. DEFINITIONS. Defines "child" as an individual who is younger than 18 years of age. Defines "health care provider" and "physician."

Sec. 161.702. PROHIBITED PROVISION OF GENDER TRANSITIONING OR GENDER REASSIGNMENT PROCEDURES AND TREATMENTS TO CERTAIN CHILDREN. Prohibits a physician or other health care provider, 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 child's sex if that perception is inconsistent with the child's biological sex, from:

(1) performing a surgery that sterilizes the child, including castration, vasectomy, hysterectomy, oophorectomy, metoidioplasty, orchiectomy, penectomy, phalloplasty, and vaginoplasty;

(2) performing a mastectomy;

(3) prescribing, administering, or supplying any of the following medications that induce transient or permanent infertility: puberty-blocking medication to stop or delay normal puberty; supraphysiologic doses of testosterone to females; or supraphysiologic doses of estrogen to males; or

(4) removing any otherwise healthy or non-diseased body part or tissue.

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

(1) is born with a medically verifiable genetic disorder of sex development, including 46, XX chromosomes with virilization; 46, XY chromosomes with undervirilization; or both ovarian and testicular tissue; or

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

Sec. 161.704. DISCIPLINARY ACTION. Requires the Texas Medical Board (TMB) or another state regulatory agency with jurisdiction over a health care provider subject to Section 161.702 to revoke the license, certification, or authorization of a physician or health care provider who the board or agency determines has violated that section.

SECTION 2. Amends Subchapter F, Chapter 1901, Insurance Code, by adding Section 1901.256, as follows:

Sec. 1901.256. PROHIBITED COVERAGE FOR PROVISION OF CERTAIN GENDER-RELATED PROCEDURES AND TREATMENTS TO CERTAIN CHILDREN. Prohibits a professional liability insurance policy issued to a physician or health care provider from including coverage for damages assessed against the physician or health care provider who provides to a child gender transitioning or gender reassignment procedures or treatments that are prohibited by Section 161.702, Health and Safety Code.

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

SECTION 4. Effective date: upon passage or September 1, 2021.