

## **BILL ANALYSIS**

Senate Research Center

S.B. 1646  
By: Perry et al.  
State Affairs  
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As Filed

### **AUTHOR'S / SPONSOR'S STATEMENT OF INTENT**

This legislation would prohibit children from receiving puberty suppression prescription drugs, cross-sex hormones, or medical procedures or surgeries for the purpose of transitioning genders or gender reassignment.

This bill provides two exceptions to these provisions. First, in rare situations when children are born intersex, the bill allows these children to receive medical treatment. Second, the bill exempts the lawful discharge of an actor's duties under a license issued to the actor under Chapter 551, Occupations Code.

As proposed, S.B. 1646 amends current law relating to the protection of children, including the definition of child abuse and the prosecution of the criminal offense of abandoning or endangering a child.

### **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 Section 261.001, Family Code, by amending Subdivision (1) and adding Subdivision (3-a), as follows:

(1) Redefines "abuse" for purposes of Chapter 261 (Investigation of Report of Child Abuse or Neglect) to include the following acts or omissions by a person:

(A) - (K) makes no changes to these paragraphs;

(L) and (M) makes nonsubstantive changes to these paragraphs; or

(N) for a person other than a person lawfully discharging his or her duties under a license issued under Chapter 551 (General Provisions of the Texas Pharmacy Act), Occupations Code:

(i) administering or supplying, or consenting to or assisting in the administering or supplying of, a puberty suppression prescription drug or cross-sex hormone to a child, other than an intersex child, for the purpose of gender transitioning or gender reassignment; or

(ii) performing or consenting to the performance of surgery or another medical procedure on a child, other than an intersex child, for the purpose of gender transitioning or gender reassignment.

(3-a) Defines "intersex child" for purposes of Chapter 261.

SECTION 2. Amends Section 22.041, Penal Code, by amending Subsections (a) and (c-1) and adding Subsection (c-2), as follows:

(a) Defines "intersex child" in Section 22.041 (Abandoning or Endangering Child).  
Makes nonsubstantive changes.

(c-1) Provides that it is presumed that a person engaged in conduct that places a child in imminent danger of death, bodily injury, or physical or mental impairment, for purposes of Subsection (c) (relating to a person committing an offense when engaging in conduct that endangers a child younger than 15 years), if:

(1) makes no changes to this subdivision;

(2) and (3) makes nonsubstantive changes to these subdivisions;

(4) the person administers or supplies, or consents to or assists in the administering or supplying of, a puberty suppression prescription drug or cross-sex hormone to a child for the purpose of gender transitioning or gender reassignment; or

(5) the person performs or consents to the performance of surgery or another medical procedure on a child for the purpose of gender transitioning or gender reassignment.

(c-2) Provides that the presumptions provided by Subsections (c-1)(4) and (5) do not apply to conduct described by those provisions that:

(1) occurs with respect to an intersex child; or

(2) is the lawful discharge of the actor's duties under a license issued to the actor under Chapter 551, Occupations Code.

SECTION 3. Makes application of this Act prospective.

SECTION 4. Effective date: September 1, 2021.