

By: Hall

S.B. No. 1311

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 other 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. The prohibitions under Section
27 161.702 do not apply to the provision by a physician or other health

1 care provider, with the consent of the child's parent or legal
2 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 Sec. 161.704. DISCIPLINARY ACTION. The Texas Medical Board
15 or another state regulatory agency with jurisdiction over a health
16 care provider subject to Section 161.702 shall revoke the license,
17 certification, or authorization of a physician or health care
18 provider who the board or agency determines has violated that
19 section.

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

22 Sec. 1901.256. PROHIBITED COVERAGE FOR PROVISION OF CERTAIN
23 GENDER-RELATED PROCEDURES AND TREATMENTS TO CERTAIN CHILDREN. A
24 professional liability insurance policy issued to a physician or
25 health care provider may not include coverage for damages assessed
26 against the physician or health care provider who provides to a
27 child gender transitioning or gender reassignment procedures or

1 treatments that are prohibited by Section 161.702, Health and
2 Safety Code.

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

10 SECTION 4. This Act takes effect immediately if it receives
11 a vote of two-thirds of all the members elected to each house, as
12 provided by Section 39, Article III, Texas Constitution. If this
13 Act does not receive the vote necessary for immediate effect, this
14 Act takes effect September 1, 2021.