

1-1 By: Hall S.B. No. 1311  
 1-2 (In the Senate - Filed March 9, 2021; March 18, 2021, read  
 1-3 first time and referred to Committee on State Affairs;  
 1-4 April 19, 2021, reported favorably by the following vote: Yeas 6,  
 1-5 Nays 2; April 19, 2021, sent to printer.)

1-6 COMMITTEE VOTE

	Yea	Nay	Absent	PNV
1-7				
1-8	X			
1-9	X			
1-10	X			
1-11	X			
1-12			X	
1-13	X			
1-14		X		
1-15	X			
1-16		X		

1-17 A BILL TO BE ENTITLED  
 1-18 AN ACT

1-19 relating to the provision of and professional liability insurance  
 1-20 coverage for gender transitioning or gender reassignment medical  
 1-21 procedures and treatments for certain children.

1-22 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-23 SECTION 1. Chapter 161, Health and Safety Code, is amended  
 1-24 by adding Subchapter X to read as follows:

1-25 SUBCHAPTER X. GENDER TRANSITIONING AND GENDER REASSIGNMENT

1-26 PROCEDURES AND TREATMENTS FOR CERTAIN CHILDREN

1-27 Sec. 161.701. DEFINITIONS. In this subchapter:

1-28 (1) "Child" means an individual who is younger than 18  
 1-29 years of age.

1-30 (2) "Health care provider" means a person other than a  
 1-31 physician who is licensed, certified, or otherwise authorized by  
 1-32 the laws of this state to provide or render health care or to  
 1-33 dispense or prescribe a prescription drug in the ordinary course of  
 1-34 business or practice of a profession.

1-35 (3) "Physician" means a person licensed to practice  
 1-36 medicine in this state.

1-37 Sec. 161.702. PROHIBITED PROVISION OF GENDER TRANSITIONING  
 1-38 OR GENDER REASSIGNMENT PROCEDURES AND TREATMENTS TO CERTAIN  
 1-39 CHILDREN. For the purpose of transitioning a child's biological  
 1-40 sex as determined by the sex organs, chromosomes, and endogenous  
 1-41 profiles of the child or affirming the child's perception of the  
 1-42 child's sex if that perception is inconsistent with the child's  
 1-43 biological sex, a physician or other health care provider may not:

1-44 (1) perform a surgery that sterilizes the child,  
 1-45 including:

1-46 (A) castration;

1-47 (B) vasectomy;

1-48 (C) hysterectomy;

1-49 (D) oophorectomy;

1-50 (E) metoidioplasty;

1-51 (F) orchiectomy;

1-52 (G) penectomy;

1-53 (H) phalloplasty; and

1-54 (I) vaginoplasty;

1-55 (2) perform a mastectomy;

1-56 (3) prescribe, administer, or supply any of the  
 1-57 following medications that induce transient or permanent  
 1-58 infertility:

1-59 (A) puberty-blocking medication to stop or delay

1-60 normal puberty;

1-61 (B) supraphysiologic doses of testosterone to

2-1 females; or  
2-2 (C) supraphysiologic doses of estrogen to males;  
2-3 or  
2-4 (4) remove any otherwise healthy or non-diseased body  
2-5 part or tissue.

2-6 Sec. 161.703. EXCEPTIONS. The prohibitions under Section  
2-7 161.702 do not apply to the provision by a physician or other health  
2-8 care provider, with the consent of the child's parent or legal  
2-9 guardian, of appropriate and medically necessary gender  
2-10 transitioning or gender reassignment procedures or treatments to a  
2-11 child who:

2-12 (1) is born with a medically verifiable genetic  
2-13 disorder of sex development, including:

2-14 (A) 46, XX chromosomes with virilization;  
2-15 (B) 46, XY chromosomes with undervirilization;

2-16 or  
2-17 (C) both ovarian and testicular tissue; or

2-18 (2) does not have the normal sex chromosome structure  
2-19 for male or female as determined by a physician through genetic  
2-20 testing.

2-21 Sec. 161.704. DISCIPLINARY ACTION. The Texas Medical Board  
2-22 or another state regulatory agency with jurisdiction over a health  
2-23 care provider subject to Section 161.702 shall revoke the license,  
2-24 certification, or authorization of a physician or health care  
2-25 provider who the board or agency determines has violated that  
2-26 section.

2-27 SECTION 2. Subchapter F, Chapter 1901, Insurance Code, is  
2-28 amended by adding Section 1901.256 to read as follows:

2-29 Sec. 1901.256. PROHIBITED COVERAGE FOR PROVISION OF CERTAIN  
2-30 GENDER-RELATED PROCEDURES AND TREATMENTS TO CERTAIN CHILDREN. A  
2-31 professional liability insurance policy issued to a physician or  
2-32 health care provider may not include coverage for damages assessed  
2-33 against the physician or health care provider who provides to a  
2-34 child gender transitioning or gender reassignment procedures or  
2-35 treatments that are prohibited by Section 161.702, Health and  
2-36 Safety Code.

2-37 SECTION 3. Section 1901.256, Insurance Code, as added by  
2-38 this Act, applies only to a medical professional liability  
2-39 insurance policy that is delivered, issued for delivery, or renewed  
2-40 on or after January 1, 2022. An insurance policy that is delivered,  
2-41 issued for delivery, or renewed before January 1, 2022, is governed  
2-42 by the law in effect immediately before the effective date of this  
2-43 Act, and that law is continued in effect for that purpose.

2-44 SECTION 4. This Act takes effect immediately if it receives  
2-45 a vote of two-thirds of all the members elected to each house, as  
2-46 provided by Section 39, Article III, Texas Constitution. If this  
2-47 Act does not receive the vote necessary for immediate effect, this  
2-48 Act takes effect September 1, 2021.

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