

## **BILL ANALYSIS**

C.S.S.B. 14  
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Public Health  
Committee Report (Substituted)

### **BACKGROUND AND PURPOSE**

Emerging research documenting serious risks and irreversible side effects associated with gender transitioning and gender reassignment has led some European nations such as Sweden to revise their standards of care for treating children experiencing gender dysphoria. Children in Texas, on the other hand, are not safeguarded from the potential harms of these treatments. According to the American College of Pediatricians, there are no high-quality, long-term studies demonstrating the efficacy and safety of gender modification. Moreover, the American College of Pediatricians also notes that many health concerns are linked to gender transitioning in children, including an increased risk of developing osteoporosis, heart attacks, and cancer. In light of these facts, C.S.S.B. 14 seeks to prohibit physicians and other health care providers from performing procedures and providing treatments for gender transitioning, gender reassignment, or gender dysphoria for children. Additionally, the bill seeks to prohibit the use of public money or public assistance to provide these procedures or treatments and authorizes the attorney general to bring an action to restrain or enjoin a health care provider from committing, continuing to commit, or repeating a violation of the bill.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

C.S.S.B. 14 amends the Health and Safety Code to prohibit a physician licensed in Texas or other health care provider from knowingly doing any of the following to a child younger than 18 years of age for the purpose of transitioning the child's biological sex as determined by their sex organs, chromosomes, and endogenous profiles or affirming the child's perception of their sex if that perception is inconsistent with their biological sex:

- performing a surgery that sterilizes the child, including castration, vasectomy, hysterectomy, oophorectomy, metoidioplasty, orchiectomy, penectomy, phalloplasty, and vaginoplasty;
- performing a mastectomy;
- providing, prescribing, administering, or dispensing any of the following prescription drugs that induce transient or permanent infertility:
  - puberty suppression or blocking prescription drugs to stop or delay normal puberty;
  - supraphysiologic doses of testosterone to females; or
  - supraphysiologic doses of estrogen to males; or

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

For purposes of this prohibition, "health care provider" means a person other than a physician who is licensed, certified, or otherwise authorized by state law 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.

C.S.S.B. 14 excepts from that prohibition the provision by a physician or health care provider of any of the following forms of care to a child, with the consent of the child's parent or legal guardian:

- puberty suppression or blocking prescription drugs for the purpose of normalizing puberty for a minor experiencing precocious puberty; or
- appropriate and medically necessary procedures or treatments to a child who either:
  - 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
  - does not have the normal sex chromosome structure for male or female as determined by a physician through genetic testing.

The bill also excepts from that prohibition the provision of a prohibited prescription drug to a child that is part of a continuing course of treatment that the child began before June 1, 2023, if the child attended 12 or more sessions of mental health counseling or psychotherapy during a period of at least six months before the date the course of treatment began. The bill requires the child to wean off the prescription drug over a period of time and in a manner that is safe and medically appropriate and that minimizes the risk of complications and prohibits the child from switching to or beginning a course of treatment on another prescription drug that a physician or health care provider is prohibited from providing to the child under the bill or from otherwise receiving a prohibited procedure or treatment.

C.S.S.B. 14 prohibits public money from being directly or indirectly used, granted, paid, or distributed to any health care provider, medical school, hospital, physician, or any other entity, organization, or individual that provides or facilitates the provision of a prohibited gender transitioning or reassignment procedure or treatment to a child. The bill prohibits the Health and Human Services Commission from providing Medicaid reimbursement, and prohibits CHIP from providing reimbursement, to a physician or health care provider for provision of such a prohibited procedure or treatment to a child.

C.S.S.B. 14 authorizes the attorney general to bring against any person the attorney general has reason to believe is committing, has committed, or is about to commit a violation of the prohibition against providing gender transitioning or reassignment procedures and treatments to a child an action to enforce the bill's provisions to restrain or enjoin the person from committing, continuing to commit, or repeating the violation. The venue for the action is in a district court of Travis County or the county where the violation occurred or is about to occur.

C.S.S.B. 14 amends the Occupations Code to include performing a prohibited gender transitioning or gender reassignment procedure or treatment on a child among the prohibited practices by a physician or an applicant for a medical license that are grounds for discipline. The bill requires the Texas Medical Board (TMB) to revoke the license or other authorization to practice medicine of a physician who provides such prohibited procedures or treatments to a child and requires the TMB to refuse to admit to examination or refuse to issue a medical license or renewal license to any person who provides such a prohibited procedure or treatment. The bill clarifies that these sanctions are in addition to any other grounds for revocation of a license or other authorization to practice medicine or for refusal to admit persons to examination or to issue a license or renew a license to practice medicine. These provisions apply only to conduct that occurs on or after the bill's effective date. Conduct that occurs before the bill's effective date is governed by the law in effect on the date the conduct occurred, and the former law is continued in effect for that purpose.

C.S.S.B. 14 amends the Health and Safety Code and the Human Resources Code to prohibit CHIP and Medicaid from providing coverage for procedures and treatments intended to transition a child's biological sex as determined by their sex organs, chromosomes, and endogenous profiles as prohibited by the bill's provisions.

C.S.S.B. 14 provides for the delayed implementation of any provision for which an applicable state agency determines a federal waiver or authorization is necessary for implementation until the waiver or authorization is requested and granted.

#### **EFFECTIVE DATE**

September 1, 2023.

#### **COMPARISON OF SENATE ENGROSSED AND SUBSTITUTE**

While C.S.S.B. 14 may differ from the engrossed in minor or nonsubstantive ways, the following summarizes the substantial differences between the engrossed and committee substitute versions of the bill.

The substitute includes a grandfather clause absent from the engrossed excepting from the prohibition against providing, prescribing, administering, or dispensing certain prescription drugs that induce transient or permanent infertility the provision of a prohibited prescription drug to a child that is part of a continuing course of treatment that the child began before June 1, 2023, if the child attended 12 or more sessions of mental health counseling or psychotherapy during a period of at least six months before the date the course of treatment began. In addition, the substitute includes a provision absent from the engrossed requiring such a child to wean off the prescription drug over a period of time and in a manner that is safe and medically appropriate and that minimizes the risk of complications and prohibiting the child from switching to or beginning a course of treatment on another prescription drug that a physician or health care provider is prohibited from providing to the child under the bill or from otherwise receiving a prohibited procedure or treatment.