

1-1 By: Campbell, et al. S.B. No. 14  
 1-2 (In the Senate - Filed March 8, 2023; March 9, 2023, read  
 1-3 first time and referred to Committee on State Affairs;  
 1-4 March 22, 2023, reported favorably by the following vote: Yeas 8,  
 1-5 Nays 3; March 22, 2023, 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	X			
1-18		X		

1-19 A BILL TO BE ENTITLED  
 1-20 AN ACT

1-21 relating to prohibitions on the provision to certain children of  
 1-22 procedures and treatments for gender transitioning, gender  
 1-23 reassignment, or gender dysphoria and on the use of public money or  
 1-24 public assistance to provide those procedures and treatments.

1-25 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

1-26 SECTION 1. Section 62.151, Health and Safety Code, is  
 1-27 amended by adding Subsection (g) to read as follows:

1-28 (g) The child health plan may not provide coverage for  
 1-29 services prohibited by Section 161.702 that are intended to  
 1-30 transition a child's biological sex as determined by the child's sex  
 1-31 organs, chromosomes, and endogenous profiles.

1-32 SECTION 2. Chapter 161, Health and Safety Code, is amended  
 1-33 by adding Subchapter X to read as follows:

1-34 SUBCHAPTER X. GENDER TRANSITIONING AND GENDER REASSIGNMENT

1-35 PROCEDURES AND TREATMENTS FOR CERTAIN CHILDREN

1-36 Sec. 161.701. DEFINITIONS. In this subchapter:

1-37 (1) "Child" means an individual who is younger than 18  
 1-38 years of age.

1-39 (2) "Health care provider" means a person other than a  
 1-40 physician who is licensed, certified, or otherwise authorized by  
 1-41 this state's laws to provide or render health care or to dispense or  
 1-42 prescribe a prescription drug in the ordinary course of business or  
 1-43 practice of a profession.

1-44 (3) "Medicaid" means the medical assistance program  
 1-45 established under Chapter 32, Human Resources Code.

1-46 (4) "Physician" means a person licensed to practice  
 1-47 medicine in this state.

1-48 Sec. 161.702. PROHIBITED PROVISION OF GENDER TRANSITIONING  
 1-49 OR GENDER REASSIGNMENT PROCEDURES AND TREATMENTS TO CERTAIN  
 1-50 CHILDREN. For the purpose of transitioning a child's biological  
 1-51 sex as determined by the sex organs, chromosomes, and endogenous  
 1-52 profiles of the child or affirming the child's perception of the  
 1-53 child's sex if that perception is inconsistent with the child's  
 1-54 biological sex, a physician or health care provider may not  
 1-55 knowingly:

1-56 (1) perform a surgery that sterilizes the child,  
 1-57 including:

1-58 (A) castration;

1-59 (B) vasectomy;

1-60 (C) hysterectomy;

1-61 (D) oophorectomy;

2-1 (E) metoidioplasty;  
 2-2 (F) orchiectomy;  
 2-3 (G) penectomy;  
 2-4 (H) phalloplasty; and  
 2-5 (I) vaginoplasty;  
 2-6 (2) perform a mastectomy;  
 2-7 (3) provide, prescribe, administer, or dispense any of  
 2-8 the following prescription drugs that induce transient or permanent  
 2-9 infertility:

2-10 (A) puberty suppression or blocking prescription  
 2-11 drugs to stop or delay normal puberty;

2-12 (B) supraphysiologic doses of testosterone to  
 2-13 females; or

2-14 (C) supraphysiologic doses of estrogen to males;  
 2-15 or

2-16 (4) remove any otherwise healthy or non-diseased body  
 2-17 part or tissue.

2-18 Sec. 161.703. EXCEPTIONS. Section 161.702 does not apply  
 2-19 to the provision by a physician or health care provider, with the  
 2-20 consent of the child's parent or legal guardian, of:

2-21 (1) puberty suppression or blocking prescription  
 2-22 drugs for the purpose of normalizing puberty for a minor  
 2-23 experiencing precocious puberty; or

2-24 (2) appropriate and medically necessary procedures or  
 2-25 treatments to a child who:

2-26 (A) is born with a medically verifiable genetic  
 2-27 disorder of sex development, including:

2-28 (i) 46,XX chromosomes with virilization;  
 2-29 (ii) 46,XY chromosomes with

2-30 undervirilization; or  
 2-31 (iii) both ovarian and testicular tissue;

2-32 or  
 2-33 (B) does not have the normal sex chromosome  
 2-34 structure for male or female as determined by a physician through  
 2-35 genetic testing.

2-36 Sec. 161.704. PROHIBITED USE OF PUBLIC MONEY. Public money  
 2-37 may not directly or indirectly be used, granted, paid, or  
 2-38 distributed to any health care provider, medical school, hospital,  
 2-39 physician, or any other entity, organization, or individual that  
 2-40 provides or facilitates the provision of a procedure or treatment  
 2-41 to a child that is prohibited under Section 161.702.

2-42 Sec. 161.705. PROHIBITED STATE HEALTH PLAN REIMBURSEMENT.  
 2-43 The commission may not provide Medicaid reimbursement and the child  
 2-44 health plan program established by Chapter 62 may not provide  
 2-45 reimbursement to a physician or health care provider for provision  
 2-46 of a procedure or treatment to a child that is prohibited under  
 2-47 Section 161.702.

2-48 Sec. 161.706. ATTORNEY GENERAL ENFORCEMENT. (a) If the  
 2-49 attorney general has reason to believe that a person is committing,  
 2-50 has committed, or is about to commit a violation of Section 161.702,  
 2-51 the attorney general may bring an action to enforce this subchapter  
 2-52 to restrain or enjoin the person from committing, continuing to  
 2-53 commit, or repeating the violation.

2-54 (b) Venue for an action brought under this section is in a  
 2-55 district court of Travis County or the county where the violation  
 2-56 occurred or is about to occur.

2-57 SECTION 3. Section 32.024, Human Resources Code, is amended  
 2-58 by adding Subsection (pp) to read as follows:

2-59 (pp) The medical assistance program may not provide  
 2-60 coverage for services prohibited by Section 161.702, Health and  
 2-61 Safety Code, that are intended to transition a child's biological  
 2-62 sex as determined by the child's sex organs, chromosomes, and  
 2-63 endogenous profiles.

2-64 SECTION 4. Section 164.052(a), Occupations Code, is amended  
 2-65 to read as follows:

2-66 (a) A physician or an applicant for a license to practice  
 2-67 medicine commits a prohibited practice if that person:

2-68 (1) submits to the board a false or misleading  
 2-69 statement, document, or certificate in an application for a

3-1 license;

3-2 (2) presents to the board a license, certificate, or

3-3 diploma that was illegally or fraudulently obtained;

3-4 (3) commits fraud or deception in taking or passing an

3-5 examination;

3-6 (4) uses alcohol or drugs in an intemperate manner

3-7 that, in the board's opinion, could endanger a patient's life;

3-8 (5) commits unprofessional or dishonorable conduct

3-9 that is likely to deceive or defraud the public, as provided by

3-10 Section 164.053, or injure the public;

3-11 (6) uses an advertising statement that is false,

3-12 misleading, or deceptive;

3-13 (7) advertises professional superiority or the

3-14 performance of professional service in a superior manner if that

3-15 advertising is not readily subject to verification;

3-16 (8) purchases, sells, barter, or uses, or offers to

3-17 purchase, sell, barter, or use, a medical degree, license,

3-18 certificate, or diploma, or a transcript of a license, certificate,

3-19 or diploma in or incident to an application to the board for a

3-20 license to practice medicine;

3-21 (9) alters, with fraudulent intent, a medical license,

3-22 certificate, or diploma, or a transcript of a medical license,

3-23 certificate, or diploma;

3-24 (10) uses a medical license, certificate, or diploma,

3-25 or a transcript of a medical license, certificate, or diploma that

3-26 has been:

3-27 (A) fraudulently purchased or issued;

3-28 (B) counterfeited; or

3-29 (C) materially altered;

3-30 (11) impersonates or acts as proxy for another person

3-31 in an examination required by this subtitle for a medical license;

3-32 (12) engages in conduct that subverts or attempts to

3-33 subvert an examination process required by this subtitle for a

3-34 medical license;

3-35 (13) impersonates a physician or permits another to

3-36 use the person's license or certificate to practice medicine in

3-37 this state;

3-38 (14) directly or indirectly employs a person whose

3-39 license to practice medicine has been suspended, canceled, or

3-40 revoked;

3-41 (15) associates in the practice of medicine with a

3-42 person:

3-43 (A) whose license to practice medicine has been

3-44 suspended, canceled, or revoked; or

3-45 (B) who has been convicted of the unlawful

3-46 practice of medicine in this state or elsewhere;

3-47 (16) performs or procures a criminal abortion, aids or

3-48 abets in the procuring of a criminal abortion, attempts to perform

3-49 or procure a criminal abortion, or attempts to aid or abet the

3-50 performance or procurement of a criminal abortion;

3-51 (17) directly or indirectly aids or abets the practice

3-52 of medicine by a person, partnership, association, or corporation

3-53 that is not licensed to practice medicine by the board;

3-54 (18) performs an abortion on a woman who is pregnant

3-55 with a viable unborn child during the third trimester of the

3-56 pregnancy unless:

3-57 (A) the abortion is necessary to prevent the

3-58 death of the woman;

3-59 (B) the viable unborn child has a severe,

3-60 irreversible brain impairment; or

3-61 (C) the woman is diagnosed with a significant

3-62 likelihood of suffering imminent severe, irreversible brain damage

3-63 or imminent severe, irreversible paralysis;

3-64 (19) performs an abortion on an unemancipated minor

3-65 without the written consent of the child's parent, managing

3-66 conservator, or legal guardian or without a court order, as

3-67 provided by Section 33.003 or 33.004, Family Code, unless the

3-68 abortion is necessary due to a medical emergency, as defined by

3-69 Section 171.002, Health and Safety Code;

4-1 (20) otherwise performs an abortion on an  
4-2 unemancipated minor in violation of Chapter 33, Family Code;

4-3 (21) performs or induces or attempts to perform or  
4-4 induce an abortion in violation of Subchapter C, F, or G, Chapter  
4-5 171, Health and Safety Code;

4-6 (22) in complying with the procedures outlined in  
4-7 Sections 166.045 and 166.046, Health and Safety Code, wilfully  
4-8 fails to make a reasonable effort to transfer a patient to a  
4-9 physician who is willing to comply with a directive; ~~[or]~~

4-10 (23) performs or delegates to another individual the  
4-11 performance of a pelvic examination on an anesthetized or  
4-12 unconscious patient in violation of Section 167A.002, Health and  
4-13 Safety Code; or

4-14 (24) performs a gender transitioning or gender  
4-15 reassignment procedure or treatment in violation of Section  
4-16 161.702, Health and Safety Code.

4-17 SECTION 5. Subchapter B, Chapter 164, Occupations Code, is  
4-18 amended by adding Section 164.0552 to read as follows:

4-19 Sec. 164.0552. PROHIBITED ACTS REGARDING GENDER  
4-20 TRANSITIONING OR GENDER REASSIGNMENT PROCEDURES AND TREATMENTS ON  
4-21 CERTAIN CHILDREN. (a) The board shall revoke the license or other  
4-22 authorization to practice medicine of a physician who violates  
4-23 Section 161.702, Health and Safety Code. The board shall refuse to  
4-24 admit to examination or refuse to issue a license or renewal license  
4-25 to a person who violates that section.

4-26 (b) The sanctions provided by Subsection (a) are in addition  
4-27 to any other grounds for revocation of a license or other  
4-28 authorization to practice medicine or for refusal to admit persons  
4-29 to examination under this subtitle or to issue a license or renew a  
4-30 license to practice medicine under this subtitle.

4-31 SECTION 6. Section 164.052, Occupations Code, as amended by  
4-32 this Act, and Section 164.0552, Occupations Code, as added by this  
4-33 Act, apply only to conduct that occurs on or after the effective  
4-34 date of this Act. Conduct that occurs before the effective date of  
4-35 this Act is governed by the law in effect on the date the conduct  
4-36 occurred, and the former law is continued in effect for that  
4-37 purpose.

4-38 SECTION 7. If before implementing any provision of this Act  
4-39 a state agency determines that a waiver or authorization from a  
4-40 federal agency is necessary for implementation of that provision,  
4-41 the agency affected by the provision shall request the waiver or  
4-42 authorization and may delay implementing that provision until the  
4-43 waiver or authorization is granted.

4-44 SECTION 8. This Act takes effect December 1, 2023.

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