

By: Money

H.B. No. 3399

A BILL TO BE ENTITLED

AN ACT

1
2 relating to the provision of procedures and treatments for gender
3 transitioning, gender reassignment, or gender dysphoria and the use
4 of public money or public assistance to provide those procedures or
5 treatments.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

7 SECTION 1. The heading to Subchapter X, Chapter 161, Health
8 and Safety Code, as added by Chapter 335 (S.B. 14), Acts of the 88th
9 Legislature, Regular Session, 2023, is amended to read as follows:

10 SUBCHAPTER X. GENDER TRANSITIONING AND GENDER REASSIGNMENT

11 PROCEDURES AND TREATMENTS [~~FOR CERTAIN CHILDREN~~]

12 SECTION 2. Sections 161.701, 161.702, 161.703, 161.704, and
13 161.705, Health and Safety Code, as added by Chapter 335 (S.B. 14),
14 Acts of the 88th Legislature, Regular Session, 2023, are amended to
15 read as follows:

16 Sec. 161.701. DEFINITIONS. In this subchapter:

17 (1) [~~"Child" means an individual who is younger than~~
18 ~~18 years of age.~~

19 [~~(2)~~] "Health care provider" means a person other than
20 a physician who is licensed, certified, or otherwise authorized by
21 this state's laws to provide or render health care or to dispense or
22 prescribe a prescription drug in the ordinary course of business or
23 practice of a profession.

24 (2) [~~(3)~~] "Medicaid" means the medical assistance

1 program established under Chapter 32, Human Resources Code.

2 (3) [~~4~~] "Physician" means a person licensed to
3 practice medicine in this state.

4 Sec. 161.702. PROHIBITED PROVISION OF GENDER TRANSITIONING
5 OR GENDER REASSIGNMENT PROCEDURES AND TREATMENTS [~~TO CERTAIN~~
6 ~~CHILDREN~~]. For the purpose of transitioning a person's [~~child's~~]
7 biological sex as determined by the sex organs, chromosomes, and
8 endogenous profiles of the person [~~child~~] or affirming the person's
9 [~~child's~~] perception of the person's [~~child's~~] sex if that
10 perception is inconsistent with the person's [~~child's~~] biological
11 sex, a physician or health care provider may not knowingly:

12 (1) perform a surgery that sterilizes the person
13 [~~child~~], including:

- 14 (A) castration;
- 15 (B) vasectomy;
- 16 (C) hysterectomy;
- 17 (D) oophorectomy;
- 18 (E) metoidioplasty;
- 19 (F) orchiectomy;
- 20 (G) penectomy;
- 21 (H) phalloplasty; and
- 22 (I) vaginoplasty;

23 (2) perform a mastectomy;

24 (3) provide, prescribe, administer, or dispense any of
25 the following prescription drugs that induce transient or permanent
26 infertility:

- 27 (A) puberty suppression or blocking prescription

1 drugs to stop or delay normal puberty;

2 (B) supraphysiologic doses of testosterone to
3 females; or

4 (C) supraphysiologic doses of estrogen to males;
5 or

6 (4) remove any otherwise healthy or non-diseased body
7 part or tissue.

8 Sec. 161.703. EXCEPTIONS. (a) Section 161.702 does not
9 apply to the provision by a physician or health care provider to a
10 person, including a child with the consent of the child's parent or
11 legal guardian, of:

12 (1) puberty suppression or blocking prescription
13 drugs for the purpose of normalizing puberty for a minor
14 experiencing precocious puberty; or

15 (2) appropriate and medically necessary procedures or
16 treatments to a person [~~child~~] who:

17 (A) is born with a medically verifiable genetic
18 disorder of sex development, including:

19 (i) 46,XX chromosomes with virilization;

20 (ii) 46,XY chromosomes with
21 undervirilization; or

22 (iii) both ovarian and testicular tissue;

23 or

24 (B) does not have the normal sex chromosome
25 structure for male or female as determined by a physician through
26 genetic testing.

27 (b) Section 161.702 does not apply to the provision of a

1 prescription drug to a person [~~child~~] that is otherwise prohibited
2 by that section if:

3 (1) the prescription drug is part of a continuing
4 course of treatment that the person [~~child~~] began before June 1,
5 2025 [~~2023~~]; and

6 (2) the person [~~child~~] attended 12 or more sessions of
7 mental health counseling or psychotherapy during a period of at
8 least six months before the date the course of treatment described
9 by Subdivision (1) began.

10 (c) A person [~~child~~] to whom the exception under Subsection
11 (b) applies:

12 (1) shall wean off the prescription drug over a period
13 of time and in a manner that is safe and medically appropriate and
14 that minimizes the risk of complications; and

15 (2) may not switch to or begin a course of treatment on
16 another prescription drug that a physician or health care provider
17 is prohibited from providing to the person [~~child~~] under Section
18 [161.702](#) or otherwise receive a procedure or treatment prohibited by
19 that section.

20 Sec. 161.704. PROHIBITED USE OF PUBLIC MONEY. Public money
21 may not directly or indirectly be used, granted, paid, or
22 distributed to any health care provider, medical school, hospital,
23 physician, or any other entity, organization, or individual that
24 provides or facilitates the provision of a procedure or treatment
25 to a person [~~child~~] that is prohibited under Section [161.702](#).

26 Sec. 161.705. PROHIBITED STATE HEALTH PLAN REIMBURSEMENT.
27 The commission may not provide Medicaid reimbursement and the child

1 health plan program established by Chapter 62 may not provide
2 reimbursement to a physician or health care provider for provision
3 of a procedure or treatment to a person [~~child~~] that is prohibited
4 under Section 161.702.

5 SECTION 3. Section 32.024(pp), Human Resources Code, as
6 added by Chapter 335 (S.B. 14), Acts of the 88th Legislature,
7 Regular Session, 2023, is redesignated as Section 32.024(rr), Human
8 Resources Code, and amended to read as follows:

9 (rr) [~~(pp)~~] The medical assistance program may not provide
10 coverage for services prohibited by Section 161.702, Health and
11 Safety Code, that are intended to transition a person's [~~child's~~]
12 biological sex as determined by the person's [~~child's~~] sex organs,
13 chromosomes, and endogenous profiles.

14 SECTION 4. The heading to Section 164.0552, Occupations
15 Code, is amended to read as follows:

16 Sec. 164.0552. PROHIBITED ACTS REGARDING GENDER
17 TRANSITIONING OR GENDER REASSIGNMENT PROCEDURES AND TREATMENTS [~~ON~~
18 ~~CERTAIN CHILDREN~~].

19 SECTION 5. If before implementing any provision of this Act
20 a state agency determines a waiver or authorization from a federal
21 agency is necessary for implementation of that provision, the
22 agency affected by the provision shall request the waiver or
23 authorization and may delay implementing that provision until the
24 waiver or authorization is granted.

25 SECTION 6. This Act takes effect September 1, 2025.