

By: Tinderholt

H.B. No. 3431

A BILL TO BE ENTITLED

1 AN ACT  
2 relating to prohibitions on the provision to certain children of  
3 gender transitioning or reassignment procedures and treatments and  
4 gender-affirming therapy and counseling; creating criminal  
5 offenses.

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

7 SECTION 1. Section 161.701, Health and Safety Code, as  
8 added by Chapter 335 (S.B. 14), Acts of the 88th Legislature,  
9 Regular Session, 2023, is amended by adding Subdivision (3-a) to  
10 read as follows:

11 (3-a) "Non-physician mental health professional" has  
12 the meaning assigned by Section 571.003.

13 SECTION 2. Section 161.702, Health and Safety Code, as  
14 added by Chapter 335 (S.B. 14), Acts of the 88th Legislature,  
15 Regular Session, 2023, is amended to read as follows:

16 Sec. 161.702. PROHIBITED PROVISION OF GENDER TRANSITIONING  
17 OR GENDER REASSIGNMENT PROCEDURES AND TREATMENTS TO CERTAIN  
18 CHILDREN; CRIMINAL PENALTY. (a) For the purpose of transitioning  
19 a child's biological sex as determined by the sex organs,  
20 chromosomes, and endogenous profiles of the child or affirming the  
21 child's perception of the child's sex if that perception is  
22 inconsistent with the child's biological sex, a physician or health  
23 care provider may not knowingly:

24 (1) perform a surgery that sterilizes the child,

1 including:

2 (A) castration;

3 (B) vasectomy;

4 (C) hysterectomy;

5 (D) oophorectomy;

6 (E) metoidioplasty;

7 (F) orchiectomy;

8 (G) penectomy;

9 (H) phalloplasty; and

10 (I) vaginoplasty;

11 (2) perform a mastectomy;

12 (3) provide, prescribe, administer, or dispense any of  
13 the following prescription drugs that induce transient or permanent  
14 infertility:

15 (A) puberty suppression or blocking prescription  
16 drugs to stop or delay normal puberty;

17 (B) supraphysiologic doses of testosterone to  
18 females; or

19 (C) supraphysiologic doses of estrogen to males;

20 or

21 (4) remove any otherwise healthy or non-diseased body  
22 part or tissue.

23 (b) A person who violates this section commits an offense.

24 An offense under this section is a state jail felony.

25 SECTION 3. Subchapter X, Chapter 161, Health and Safety  
26 Code, as added by Chapter 335 (S.B. 14), Acts of the 88th  
27 Legislature, Regular Session, 2023, is amended by adding Sections

1 161.7035 and 161.7036 to read as follows:

2 Sec. 161.7035. PROHIBITED PROVISION OF GENDER-AFFIRMING  
3 THERAPY AND COUNSELING; CRIMINAL PENALTY. (a) A non-physician  
4 mental health professional may not provide gender-affirming  
5 therapy or counseling to a child to treat gender dysphoria if the  
6 purpose of the therapy or counseling is to affirm a gender  
7 inconsistent with the child's biological sex, as determined by the  
8 sex organs, chromosomes, and endogenous profiles of the child.

9 (b) A person who violates this section commits an offense.  
10 An offense under this section is a state jail felony.

11 Sec. 161.7036. PROHIBITED REFERRAL TO HEALTH CARE  
12 PRACTITIONER IN ANOTHER STATE; CRIMINAL PENALTY. (a) A physician,  
13 health care provider, or non-physician mental health professional  
14 may not refer a child to a health care practitioner licensed or  
15 otherwise authorized to provide health care in another state for  
16 provision of:

17 (1) a procedure or treatment that violates Section  
18 161.702 if performed in this state; or

19 (2) therapy or counseling that violates Section  
20 161.7035 if performed in this state.

21 (b) A person who violates this section commits an offense.  
22 An offense under this section is a state jail felony.

23 SECTION 4. This Act takes effect September 1, 2025.