

By: Hall

S.B. No. 1393

A BILL TO BE ENTITLED

AN ACT

relating to electronic health record requirements, including the recording of an individual's biological sex.

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

SECTION 1. Subtitle I, Title 2, Health and Safety Code, is amended by adding Chapter 183 to read as follows:

CHAPTER 183. ELECTRONIC HEALTH RECORDS

Sec. 183.001. DEFINITIONS. In this chapter:

(1) "Biological sex" means the biological trait that determines whether a sexually reproducing organism produces male or female gametes.

(2) "Female" means an individual whose reproductive system is developed to produce ova.

(3) "Health care provider" means an individual who is licensed, certified, or otherwise authorized to provide health care services in this state.

(4) "Male" means an individual whose reproductive system is developed to produce sperm.

(5) "Sexual development disorder" means a group of congenital conditions associated with atypical development of internal or external genital structures. The term includes chromosomal, gonadal, and anatomic abnormalities.

Sec. 183.002. ELECTRONIC HEALTH RECORD REQUIREMENTS. (a) Notwithstanding any other law, the commission, the Texas Medical

1 Board, and the Texas Department of Insurance shall jointly ensure  
2 that:

3 (1) each electronic health record prepared or  
4 maintained by a health care provider in this state includes a  
5 separate space for the health care provider to record:

6 (A) an individual's biological sex as either male  
7 or female based on the individual's observed biological sex  
8 recorded by a health care provider at birth; and

9 (B) information on an individual's sexual  
10 development disorder, if applicable, whether identified at birth or  
11 later in the individual's life; and

12 (2) any algorithm or decision tree included in an  
13 electronic health record for assisting a health care provider in  
14 making medical treatment decisions is based on an individual's  
15 biological sex as recorded in the space described by Subdivision  
16 (1)(A).

17 (b) This section does not prevent an electronic health  
18 record from including spaces for recording other information  
19 related to an individual's biological sex or gender identity.

20 Sec. 183.003. AMENDING CERTAIN INFORMATION IN ELECTRONIC  
21 HEALTH RECORDS. (a) An individual's biological sex recorded in the  
22 space of an electronic health record described by Section  
23 183.002(a)(1)(A) may be amended by a health care provider only if:

24 (1) the amendment is to correct a clerical error; or

25 (2) the individual is diagnosed with a sexual  
26 development disorder and the amendment is to record the  
27 individual's biological sex as the opposite biological sex.

1        (b) If an individual's biological sex is amended under  
2 Subsection (a)(2), the health care provider shall include  
3 information on the individual's sexual development disorder in the  
4 space of the individual's electronic health record described by  
5 Section 183.002(a)(1)(B).

6        Sec. 183.004. RULES. The commission, the Texas Medical  
7 Board, and the Texas Department of Insurance shall adopt rules as  
8 necessary to implement this chapter.

9        SECTION 2. Chapter 183, Health and Safety Code, as added by  
10 this Act, applies only to an electronic health record prepared on or  
11 after the effective date of this Act.

12        SECTION 3. This Act takes effect immediately if it receives  
13 a vote of two-thirds of all the members elected to each house, as  
14 provided by Section 39, Article III, Texas Constitution. If this  
15 Act does not receive the vote necessary for immediate effect, this  
16 Act takes effect September 1, 2025.