

2023 Regular Session

HOUSE BILL NO. 648 (Substitute for House Bill No. 463 by Representative Firment)

BY REPRESENTATIVES FIRMENT, AMEDEE, CREWS, GAROFALO, AND HORTON

HEALTH/CHILDREN: Prohibits certain procedures to alter the sex of a minor child

1 AN ACT

2 To enact Part IX of Chapter 5-A of Title 40 of the Louisiana Revised Statutes of 1950, to be
3 comprised of R.S. 40:1098.1 through 1098.4, relative to certain procedures for minor
4 children; to provide for definitions; to exclude certain services, treatments, and
5 procedures that alter the sex characteristics of a minor; to provide certain restrictions
6 for healthcare professionals; to establish disciplinary procedures; to provide for legal
7 remedies; and to provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. Part IX of Chapter 5-A of Title 40 of the Louisiana Revised Statutes of
10 1950, comprised of R.S. 40:1098.1 through 1098.4, is hereby enacted to read as follows:

11 PART IX. THE STOP HARMING OUR KIDS ACT

12 §1098.1. Definitions

13 For the purposes of this Part, the following terms have the meaning ascribed
14 to them unless the context clearly indicates otherwise:

15 (1) "Healthcare professional" has the same meaning as the term is defined
16 in R.S. 14:34.8.

17 (2) "Minor" means any person under the age of eighteen.

18 (3) "Sex" means the biological indication of male and female, as evidenced
19 by sex chromosomes, naturally occurring sex hormones, gonads, and nonambiguous
20 internal and external genitalia present at birth.

1 §1098.2. Healthcare professionals; restrictions

2 A. A healthcare professional shall not knowingly engage in any of the
3 following acts that attempt to alter a minor's appearance in an attempt to validate a
4 minor's perception of his sex, if the minor's perception is inconsistent with his sex:

5 (1) The prescription or administration of gonadotropin-releasing hormone
6 analogues or other synthetic drugs used to stop luteinizing hormone and follicle
7 stimulating hormone secretion, synthetic antiandrogen drugs used to block the
8 androgen receptor, or any drug to suppress or delay normal puberty.

9 (2) The prescription or administration of testosterone, estrogen, or
10 progesterone, in amounts greater than would normally be produced endogenously in
11 a healthy individual of the same age and sex.

12 (3) The performance of any sterilizing surgery, including but not limited to
13 castration, hysterectomy, oophorectomy, orchiectomy, penectomy, and vasectomy.

14 (4) The performance of any surgery that artificially constructs tissue having
15 the appearance of genitalia differing from the minor's sex, including metoidioplasty,
16 phalloplasty, and vaginoplasty.

17 (5) The removal of any healthy or non-diseased body part or tissue.

18 (6) The performance of augmentation mammoplasty, facial feminization
19 surgery, liposuction, lipofilling, pectoral implants, voice surgery, thyroid cartilage
20 reduction, gluteal augmentation, hair reconstruction, or any aesthetic surgical
21 procedure.

22 B. The prohibitions of this Part shall not limit or restrict the provision of
23 services to any of the following:

24 (1) A minor born with a medically verifiable disorder of sex development,
25 including but not limited to external sex characteristics that are irresolvably
26 ambiguous.

27 (2) A minor diagnosed with a disorder of sexual development, if a healthcare
28 provider has determined, through genetic or biochemical testing, that the minor does

1 not have a sex chromosome structure, sex steroid hormone production, or sex steroid
2 hormone action, that is normal for a biological male or biological female.

3 (3) A minor needing treatment for an infection, injury, disease, or disorder
4 that has been caused or exacerbated by any action or procedure prohibited by this
5 Part.

6 (4) A minor suffering from a physical disorder, physical injury, or physical
7 illness that is certified by a healthcare provider and that would place the individual
8 in imminent danger of death or impairment of major bodily function unless surgery
9 is performed.

10 C. If, prior to July 1, 2023, a healthcare professional has initiated a course
11 of treatment, for a minor, which includes the prescription or administration of any
12 drug or hormone prohibited by this Part, and if the healthcare professional
13 determines and documents in the minor's medical record that immediately
14 terminating the minor's use of the drug or hormone would cause harm to the minor,
15 the healthcare professional may institute a period during which the minor's use of the
16 drug or hormone is systematically reduced and discontinued. The period may not
17 extend beyond December 31, 2023.

18 §1098.3. Healthcare professionals; disciplinary actions

19 If a professional or occupational licensing board finds, by a preponderance
20 of the evidence, that a healthcare professional licensed or certified by the board has
21 violated the provisions of this Part, the board shall revoke any professional or
22 occupational license or certificate held by the healthcare professional for a minimum
23 of two years.

24 §1098.4. Legal remedies

25 A. A person may bring a civil action for damages, injunctive or declaratory
26 relief, attorney fees, and any other appropriate remedies for injury suffered as a result
27 of a violation of this Part. A civil action shall be commenced before the later of
28 either of the following:

1 (1) The lapse of a twelve-year liberative prescription once the minor reaches
2 the age of majority.

3 (2) Within three years from the time the person discovered or reasonably
4 should have discovered that the injury or damages were caused by the violation.

5 B. The attorney general may bring an action to enforce compliance with this
6 Part. Nothing in this Part shall be construed to deny, impair, or otherwise affect any
7 right or authority of the attorney general, the state, or any agency, officer, or
8 employee of the state to institute or intervene in any proceeding.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 648 Reengrossed

2023 Regular Session

Firmment

Abstract: Establishes the "Stop Harming Our Kids Act" in La. and prohibits procedures that alter the gender of minors.

Proposed law defines "minor" as any person under the age of 18.

Proposed law defines "sex" as the biological indication of male and female, as evidenced by sex chromosomes, naturally occurring sex hormones, gonads, and nonambiguous internal and external genitalia present at birth.

Proposed law retains the definition of "healthcare professional" in present law.

Proposed law prohibits healthcare professionals from knowingly committing any of the following acts that attempt to alter a minor's appearance in an attempt to validate a minor's perception of his sex if the minor's perception is inconsistent with his biological sex:

- (1) The prescription or administration of gonadotropin-releasing hormone analogues or other synthetic drugs.
- (2) The prescription or administration of testosterone, estrogen, or progesterone, in amounts greater than would naturally be produced.
- (3) The performance of any sterilizing surgery.
- (4) The performance of any surgery that artificially constructs tissue having the appearance of genitalia differing from the minor's biological sex.
- (5) The removal of any healthy or non-diseased body part or tissue.
- (6) The performance of any aesthetic surgical procedure.

Proposed law provides that if a healthcare professional has initiated a course of treatment for a minor that violates the provisions of proposed law prior to July 1, 2023, the healthcare professional may institute a period during which the minor's use of the drug or hormone is

systematically reduced and discontinued. Proposed law further provides that the period may not extend beyond Dec. 31, 2023.

Proposed law provides that if a professional or occupational licensing board finds that a healthcare professional licensed or certified by the board has violated the provisions of proposed law, the board shall revoke any professional or occupational license or certificate held by the healthcare professional for a minimum of two years.

Proposed law provides that a person may bring a civil action for any injury suffered as a result of a violation of proposed law. Proposed law further provides that the civil action shall be commenced before the later of either of the following:

- (1) The lapse of a 12-year liberative prescription once the minor reaches the age of majority.
- (2) Within three years from the time the person discovered or reasonably should have discovered that the injury or damages were caused by the violation.

Proposed law provides that the attorney general may bring an action to enforce compliance with proposed law.

(Adds R.S. 40:1098.1-1098.4)

Summary of Amendments Adopted by House

The House Floor Amendments to the engrossed bill:

1. Delete references to "gender reassignment" from title.
2. Specify the procedures prohibited in proposed law.
3. Provide that a person may bring a civil action before the later of the lapse of a 12-year liberative prescription once the minor reaches the age of majority or within three years from the time the person discovered or reasonably should have discovered that the injury or damages were caused by the violation.
4. Make technical corrections.