

By: _____ .B. No. _____

Substitute the following for ____B. No. _____:

By: _____ C.S.____.B. No. _____

A BILL TO BE ENTITLED

1 AN ACT

2 relating to prohibitions on the provision to certain children of,
3 the placement of advertisements regarding, and the use of public
4 money or public assistance to provide procedures and treatments for
5 gender transitioning, gender reassignment, or gender dysphoria.

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

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

9 (g) The child health plan may not provide coverage for
10 services prohibited by Section 161.702 that are intended to alter
11 the appearance of or affirm the child's perception of the child's
12 sex if that altered appearance or child's perception is
13 inconsistent with the child's biological sex.

14 SECTION 2. Chapter 161, Health and Safety Code, is amended
15 by adding Subchapter X to read as follows:

16 SUBCHAPTER X. GENDER TRANSITIONING AND GENDER REASSIGNMENT

17 PROCEDURES AND TREATMENTS FOR CERTAIN CHILDREN

18 Sec. 161.701. DEFINITIONS. In this subchapter:

19 (1) "Child" means an individual who is younger than 18
20 years of age.

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

1 practice of a profession.

2 (3) "Medicaid" means the medical assistance program
3 established under Chapter 32, Human Resources Code.

4 (4) "Physician" means a person licensed to practice
5 medicine in this state.

6 Sec. 161.702. PROHIBITED PROVISION OF GENDER TRANSITIONING
7 OR GENDER REASSIGNMENT PROCEDURES AND TREATMENTS TO CERTAIN
8 CHILDREN. For the purpose of altering the appearance of or
9 affirming the child's perception of the child's sex if that altered
10 appearance or child's perception is inconsistent with the child's
11 biological sex, a physician or health care provider may not
12 knowingly:

13 (1) perform a surgery that sterilizes the child,
14 including:

15 (A) castration;

16 (B) vasectomy;

17 (C) hysterectomy;

18 (D) oophorectomy;

19 (E) metoidioplasty;

20 (F) orchiectomy;

21 (G) penectomy;

22 (H) phalloplasty; and

23 (I) vaginoplasty;

24 (2) perform a mastectomy;

25 (3) provide, prescribe, administer, or dispense any of
26 the following prescription drugs to the child:

27 (A) a gonadotropin-releasing hormone analogue or

1 other synthetic drug used to stop luteinizing hormone and
2 follicle-stimulating hormone secretion, a synthetic antiandrogen
3 drug used to block the androgen receptor, or any other puberty
4 suppression or blocking prescription drug used to stop or delay
5 normal puberty; or

6 (B) testosterone, estrogen, or progesterone in
7 an amount greater than would normally be produced endogenously in a
8 healthy individual of that individual's age and sex; or

9 (4) remove any otherwise healthy or non-diseased body
10 part or tissue.

11 Sec. 161.703. EXCEPTIONS. Section 161.702 does not apply
12 to the provision by a physician or health care provider, with the
13 consent of the child's parent or legal guardian, of:

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

17 (2) appropriate and medically necessary procedures or
18 treatments to a child who:

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

21 (i) 46,XX chromosomes with virilization;

22 (ii) 46,XY chromosomes with
23 undervirilization; or

24 (iii) both ovarian and testicular tissue;

25 or

26 (B) does not have the normal sex chromosome
27 structure for male or female as determined by a physician through

1 genetic testing.

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

8 Sec. 161.705. PROHIBITED STATE HEALTH PLAN REIMBURSEMENT.
9 The commission may not provide Medicaid reimbursement and the child
10 health plan program established by Chapter 62 may not provide
11 reimbursement to a physician or health care provider for provision
12 of a procedure or treatment to a child that is prohibited under
13 Section 161.702.

14 Sec. 161.706. ATTORNEY GENERAL ENFORCEMENT FOR VIOLATIONS.
15 (a) If the attorney general has reason to believe that a person is
16 committing, has committed, or is about to commit a violation of
17 Section 161.702, the attorney general may bring an action to
18 enforce this subchapter to restrain or enjoin the person from
19 committing, continuing to commit, or repeating the violation.

20 (b) Venue for an action brought under this section is in a
21 district court of Travis County or the county where the violation
22 occurred or is about to occur.

23 Sec. 161.707. ATTORNEY GENERAL CIVIL ACTION FOR CERTAIN
24 ADVERTISEMENTS BY NONRESIDENT HEALTH CARE PROVIDERS. (a) In this
25 section, "advertisement" means a communication that promotes a
26 commercial product or service. The term does not include a health
27 care recommendation provided under the scope of a health care

1 provider's license.

2 (b) The attorney general may bring an action against a
3 nonresident health care provider who places an advertisement in
4 this state for a procedure or treatment that is prohibited under
5 Section 161.702 to restrain or enjoin the provider from placing the
6 advertisement.

7 (c) Venue for an action brought under this section is in a
8 district court in Travis County or the county where the
9 advertisement is placed.

10 (d) Notwithstanding any other law, the courts of this state
11 have personal jurisdiction over a defendant against whom an action
12 is brought under this section to the maximum extent permitted by the
13 Fourteenth Amendment to the United States Constitution.

14 SECTION 3. Section 32.024, Human Resources Code, is amended
15 by adding Subsection (pp) to read as follows:

16 (pp) The medical assistance program may not provide
17 coverage for services prohibited by Section 161.702, Health and
18 Safety Code, that are intended to alter the appearance of or affirm
19 the child's perception of the child's sex if that altered appearance
20 or child's perception is inconsistent with the child's biological
21 sex.

22 SECTION 4. Section 164.052(a), Occupations Code, is amended
23 to read as follows:

24 (a) A physician or an applicant for a license to practice
25 medicine commits a prohibited practice if that person:

26 (1) submits to the board a false or misleading
27 statement, document, or certificate in an application for a

1 license;

2 (2) presents to the board a license, certificate, or
3 diploma that was illegally or fraudulently obtained;

4 (3) commits fraud or deception in taking or passing an
5 examination;

6 (4) uses alcohol or drugs in an intemperate manner
7 that, in the board's opinion, could endanger a patient's life;

8 (5) commits unprofessional or dishonorable conduct
9 that is likely to deceive or defraud the public, as provided by
10 Section 164.053, or injure the public;

11 (6) uses an advertising statement that is false,
12 misleading, or deceptive;

13 (7) advertises professional superiority or the
14 performance of professional service in a superior manner if that
15 advertising is not readily subject to verification;

16 (8) purchases, sells, barter, or uses, or offers to
17 purchase, sell, barter, or use, a medical degree, license,
18 certificate, or diploma, or a transcript of a license, certificate,
19 or diploma in or incident to an application to the board for a
20 license to practice medicine;

21 (9) alters, with fraudulent intent, a medical license,
22 certificate, or diploma, or a transcript of a medical license,
23 certificate, or diploma;

24 (10) uses a medical license, certificate, or diploma,
25 or a transcript of a medical license, certificate, or diploma that
26 has been:

27 (A) fraudulently purchased or issued;

1 (B) counterfeited; or
2 (C) materially altered;
3 (11) impersonates or acts as proxy for another person
4 in an examination required by this subtitle for a medical license;
5 (12) engages in conduct that subverts or attempts to
6 subvert an examination process required by this subtitle for a
7 medical license;
8 (13) impersonates a physician or permits another to
9 use the person's license or certificate to practice medicine in
10 this state;
11 (14) directly or indirectly employs a person whose
12 license to practice medicine has been suspended, canceled, or
13 revoked;
14 (15) associates in the practice of medicine with a
15 person:
16 (A) whose license to practice medicine has been
17 suspended, canceled, or revoked; or
18 (B) who has been convicted of the unlawful
19 practice of medicine in this state or elsewhere;
20 (16) performs or procures a criminal abortion, aids or
21 abets in the procuring of a criminal abortion, attempts to perform
22 or procure a criminal abortion, or attempts to aid or abet the
23 performance or procurement of a criminal abortion;
24 (17) directly or indirectly aids or abets the practice
25 of medicine by a person, partnership, association, or corporation
26 that is not licensed to practice medicine by the board;
27 (18) performs an abortion on a woman who is pregnant

1 with a viable unborn child during the third trimester of the
2 pregnancy unless:

3 (A) the abortion is necessary to prevent the
4 death of the woman;

5 (B) the viable unborn child has a severe,
6 irreversible brain impairment; or

7 (C) the woman is diagnosed with a significant
8 likelihood of suffering imminent severe, irreversible brain damage
9 or imminent severe, irreversible paralysis;

10 (19) performs an abortion on an unemancipated minor
11 without the written consent of the child's parent, managing
12 conservator, or legal guardian or without a court order, as
13 provided by Section 33.003 or 33.004, Family Code, unless the
14 abortion is necessary due to a medical emergency, as defined by
15 Section 171.002, Health and Safety Code;

16 (20) otherwise performs an abortion on an
17 unemancipated minor in violation of Chapter 33, Family Code;

18 (21) performs or induces or attempts to perform or
19 induce an abortion in violation of Subchapter C, F, or G, Chapter
20 171, Health and Safety Code;

21 (22) in complying with the procedures outlined in
22 Sections 166.045 and 166.046, Health and Safety Code, wilfully
23 fails to make a reasonable effort to transfer a patient to a
24 physician who is willing to comply with a directive; ~~or~~

25 (23) performs or delegates to another individual the
26 performance of a pelvic examination on an anesthetized or
27 unconscious patient in violation of Section 167A.002, Health and

1 Safety Code; or

2 (24) performs a gender transitioning or gender
3 reassignment procedure or treatment in violation of Section
4 161.702, Health and Safety Code.

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

7 Sec. 164.0552. PROHIBITED ACTS REGARDING GENDER
8 TRANSITIONING OR GENDER REASSIGNMENT PROCEDURES AND TREATMENTS ON
9 CERTAIN CHILDREN. (a) The board shall revoke the license or other
10 authorization to practice medicine of a physician who violates
11 Section 161.702, Health and Safety Code. The board shall refuse to
12 admit to examination or refuse to issue a license or renewal license
13 to a person who violates that section.

14 (b) The sanctions provided by Subsection (a) are in addition
15 to any other grounds for revocation of a license or other
16 authorization to practice medicine or for refusal to admit persons
17 to examination under this subtitle or to issue a license or renew a
18 license to practice medicine under this subtitle.

19 SECTION 6. Section 164.052, Occupations Code, as amended by
20 this Act, and Section 164.0552, Occupations Code, as added by this
21 Act, apply only to conduct that occurs on or after the effective
22 date of this Act. Conduct that occurs before the effective date of
23 this Act is governed by the law in effect on the date the conduct
24 occurred, and the former law is continued in effect for that
25 purpose.

26 SECTION 7. If before implementing any provision of this Act
27 a state agency determines that a waiver or authorization from a

1 federal agency is necessary for implementation of that provision,
2 the agency affected by the provision shall request the waiver or
3 authorization and may delay implementing that provision until the
4 waiver or authorization is granted.

5 SECTION 8. If any provision of this Act or its application
6 to any person or circumstance is held invalid, the invalidity does
7 not affect other provisions or applications of this Act that can be
8 given effect without the invalid provision or application, and to
9 this end the provisions of this Act are declared to be severable.

10 SECTION 9. This Act takes effect December 1, 2023.