2023 South Dakota Legislature

House Bill 1080

HOUSE HEALTH AND HUMAN SERVICES ENGROSSED

Introduced by: ***Representative*** *Soye*

An Act to prohibit certain medical and surgical interventions on minor patients.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

Section 1. That chapter 34-24 be amended with a NEW SECTION:

Terms used in sections 2 to 6, inclusive, of this Act, mean:

(1) "Minor," any person under the age of eighteen; and

(2) "Sex," means 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.

Section 2. That chapter 34-24 be amended with a NEW SECTION:

Except as provided in section 3 of this Act, a healthcare professional may not, for the purpose of attempting to alter the appearance of, or to validate a minor's perception of, the minor's sex, if that appearance or perception is inconsistent with the minor's sex, knowingly:

(1) Prescribe or administer any drug to delay or stop normal puberty;

(2) Prescribe or administer testosterone, estrogen, or progesterone, in amounts greater than would normally be produced endogenously in a healthy individual of the same age and sex;

(3) Perform any sterilizing surgery, including castration, hysterectomy, oophorectomy, orchiectomy, penectomy, and vasectomy;

(4) Perform any surgery that artificially constructs tissue having the appearance of genitalia differing from the minor's sex, including metoidioplasty, phalloplasty, and vaginoplasty; or

(5) Remove any healthy or non-diseased body part or tissue.

Section 3. That chapter 34-24 be amended with a NEW SECTION:

The prohibitions of section 2 of this Act do not limit or restrict the provision of services to:

(1) A minor born with a medically verifiable disorder of sex development, including external biological sex characteristics that are irresolvably ambiguous;

(2) A minor diagnosed with a disorder of sexual development, if a healthcare provider has determined, through genetic or biochemical testing, that the minor does not have a sex chromosome structure, sex steroid hormone production, or sex steroid hormone action, that is normal for a biological male or biological female; or

(3) A minor needing treatment for an infection, injury, disease, or disorder that has been caused or exacerbated by any action or procedure prohibited by section 2 of this Act.

Section 4. That chapter 34-24 be amended with a NEW SECTION:

If a professional or occupational licensing board finds, by a preponderance of the evidence and in compliance with chapter 1-26, that a healthcare professional licensed or certified by the board has violated section 2 of this Act, the board must revoke any professional or occupational license or certificate held by the healthcare professional.

Section 5. That chapter 34-24 be amended with a NEW SECTION:

Any civil action to recover damages for injury suffered as a result of a violation of section 2 of this Act must be commenced before the later of:

(1) The date on which the person reaches age twenty-five; or

(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.

Section 6. That chapter 34-24 be amended with a NEW SECTION:

If, prior to July 1, 2023, a healthcare professional has initiated a course of treatment, for a minor, which includes the prescription or administration of any drug or hormone prohibited by section 2 of this Act, and if the healthcare professional determines and documents in the minor's medical record that immediately terminating the minor's use of the drug or hormone would cause harm to the minor, the healthcare professional may institute a period during which the minor's use of the drug or hormone is systematically reduced. That period may not extend beyond December 31, 2023.