

2022 Regular Session

HOUSE BILL NO. 570

BY REPRESENTATIVE FIRMENT

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

1 AN ACT

2 To enact Part VIII of Chapter 5-A of Title 40 of the Louisiana Revised Statutes of 1950, to  
3 be comprised of R.S. 40:1091.1 through 1091.8, relative to gender reassignment  
4 procedures; to provide for a short title; to provide for the prohibition of certain  
5 procedures to alter a minor child's sex and to designate this act as the Save  
6 Adolescents from Experimentation (SAFE) Act; and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. Part VIII of Chapter 5-A of Title 40 of the Louisiana Revised Statutes of  
9 1950, comprised of R.S. 40:1091.1 through 1091.8, is hereby enacted to read as follows:

10 PART VIII. THE SAVE ADOLESCENTS FROM EXPERIMENTATION ACT

11 §1091.1. Short title; purpose

12 A. This Part shall be known and cited as the "SAFE Act".

13 B. This state has a compelling governmental interest in protecting the health  
14 and safety of its citizens, especially vulnerable children.

15 C. Only a tiny percent of the American population experiences distress at  
16 identifying with their biological sex. According to the American Psychiatric  
17 Association, prevalence ranges from five thousandths of a percent to fourteen  
18 thousandths of a percent for natal adult males and from two thousandths of a percent  
19 to four thousandths of a percent for natal females.

1           D. Studies consistently demonstrate that the vast majority of children who  
2           are gender non-conforming or experience distress at identifying with their biological  
3           sex come to identify with their biological sex in adolescence or adulthood, thereby  
4           rendering most medical healthcare interventions unnecessary.

5           E. Scientific studies show that individuals struggling with distress at  
6           identifying with their biological sex often have already experienced  
7           psychopathology, which indicates these individuals should be encouraged to seek  
8           mental healthcare services before undertaking any hormonal or surgical intervention.

9           F. Suicide rates, psychiatric morbidities, and mortality rates remain markedly  
10          elevated above the background population after inpatient gender reassignment  
11          procedures have been performed.

12          G. Some healthcare providers are prescribing puberty-blocking drugs in  
13          order to delay the onset or progression of normally-timed puberty in children who  
14          experience distress at identifying with their biological sex. This is being done  
15          despite the lack of any long-term longitudinal studies evaluating the risks and  
16          benefits of using these drugs for the treatment of such distress or gender transition.

17          H. Healthcare providers are also prescribing cross-sex hormones for children  
18          who experience distress at identifying with their biological sex, despite the fact that  
19          no randomized clinical trials have been conducted on the efficacy or safety of the use  
20          of cross-sex hormones in adults or children for the purpose of treating such distress  
21          or gender transition.

22          I. The use of cross-sex hormones comes with the following serious known  
23          risks:

24                (1) For biological females, erythrocytosis, severe liver dysfunction, coronary  
25                artery disease, cerebrovascular disease, hypertension, increased risk of breast and  
26                uterine cancers, and irreversible infertility.

27                (2) For biological males, thromboembolic disease, cholelithiasis,  
28                macroprolactinoma, coronary artery disease, cerebrovascular disease,  
29                hypertriglyceridemia, breast cancer, and irreversible infertility.

1           J. Genital and non-genital reassignment surgeries are generally not  
2           recommended for children, although evidence indicates referrals for children to have  
3           such surgeries are becoming more frequent.

4           K. Genital gender reassignment surgery includes several irreversible invasive  
5           procedures for males and females and involves the following alterations of  
6           biologically normal and functional body parts:

7           (1) For biological males, surgery may involve genital reconstruction  
8           including penectomy, orchiectomy, vaginoplasty, clitoroplasty, and vulvoplasty.

9           (2) For biological females, surgery may involve a hysterectomy or  
10          oophorectomy, reconstruction of the urethra, genital reconstruction including  
11          metoidioplasty or phalloplasty, vaginectomy, scrotoplasty, and implantation of  
12          erection or testicular prostheses.

13          L. The complications, risks, and long-term care concerns associated with  
14          genital gender reassignment surgery for both males and females are numerous and  
15          complex.

16          M. Non-genital gender reassignment surgery includes various invasive  
17          procedures for males and females, including the following procedures, and also  
18          involves the alteration or removal of biologically normal and functional body parts:

19          (1) For biological males, procedures may include augmentation  
20          mommoplasty, facial feminization surgery, liposuction, lipofilling voice surgery,  
21          thyroid cartilage reduction, gluteal augmentation, hair reconstruction, and other  
22          aesthetic procedures.

23          (2) For biological females, procedures may include subcutaneous  
24          mastectomy, voice surgery, thyroid cartilage reduction, gluteal augmentation, hair  
25          reconstruction, and other aesthetic procedures.

26          N. It is an accepted principle of economics and public policy that when a  
27          service or product is subsidized or paid for, demand for that service or product  
28          increases. Between 2015 and 2016, gender reassignment surgeries increased by  
29          twenty percent.

1           O. It is a grave concern to the Legislature of Louisiana that the medical  
2           community is allowing individuals who experience distress at identifying with their  
3           biological sex to be subjects of irreversible, and drastic non-genital gender  
4           reassignment surgery and irreversible, permanently sterilizing genital gender  
5           reassignment surgery, despite the lack of studies showing that the benefits of such  
6           extreme interventions outweigh the risks.

7           P. The risks of gender transition procedures far outweigh any benefit at this  
8           stage of clinical study on these procedures.

9           §1091.2. Definitions

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

12           (1) "Biological sex", "birth sex", and "sex" mean the biological indication  
13           of male and female, including sex chromosomes, naturally occurring sex hormones,  
14           gonads, and nonambiguous internal and external genitalia present at birth, without  
15           regard to an individual's psychological, chosen, or subjective experience of gender.

16           (2) "Cross-sex hormone" means testosterone or other androgens given to  
17           biological females at doses that are profoundly larger or more potent than would  
18           normally occur naturally in healthy biological females, or estrogen given to  
19           biological males at does that are larger or more potent than would normally occur  
20           naturally in healthy biological males.

21           (3) "Gender" means the psychological, behavioral, social, and cultural  
22           aspects of being male or female.

23           (4) "Gender reassignment surgery" means any medical or surgical service  
24           that seeks to surgically alter or remove healthy physical or anatomical characteristics  
25           or features that are typical for the individual's biological sex, in order to instill or  
26           create physiological or anatomical characteristics that resemble a sex different from  
27           the individual's birth sex including, without limitation, genital or non-genital  
28           reassignment surgery performed for the purpose of assisting an individual with a  
29           gender transition.

1           (5) "Gender transition" means the process in which a person goes from  
2           identifying with and living as a gender that corresponds with his biological sex to  
3           identifying with and living as a gender different from his biological sex, including  
4           social, legal, or physical changes.

5           (6) "Gender transition procedures" means any medical or surgical service,  
6           including physician services, inpatient and outpatient hospital services, or  
7           prescription drugs related to gender transition, that seeks to alter or remove physical  
8           or anatomical characteristics or features that are typical for the individual's biological  
9           sex, or to instill or create physiological or anatomical characteristics that resemble  
10          a sex different from the individual's birth sex including medical services that provide  
11          puberty-blocking drugs, cross-sex hormones, or other mechanisms to promote the  
12          development of feminizing or masculinizing features in the opposite sex, or genital  
13          or non-genital gender reassignment surgery performed for the purpose of assisting  
14          an individual with a gender transition.

15          (7) "Genital gender reassignment surgery" means surgical procedures such  
16          as penectomy, orchiectomy, vaginoplasty, clitoroplasty, or vulvoplasty for  
17          biologically male patients or hysterectomy, ovariectomy, reconstruction of the fixed  
18          part of the urethra with or without a metoidioplasty or a phalloplasty, vaginectomy,  
19          scrotoplasty, or implantation of erection and testicular prostheses for biologically  
20          female patients when performed for the purpose of assisting an individual with a  
21          gender transition.

22          (8) "Medical healthcare professional" means any of the following:

23                 (a) A nurse licensed under Chapter 11 of Title 37 of the Louisiana Revised  
24                 Statutes of 1950.

25                 (b) A physician assistant licensed under Chapter 11 of Title 37 of the  
26                 Louisiana Revised Statutes of 1950.

27                 (c) A psychiatrist or psychologist licensed under Chapter 11 of Title 22 of  
28                 the Louisiana Revised Statutes of 1950.

1           (d) A pharmacist licensed under Chapter 11 of Title 37 of the Louisiana  
2           Revised Statutes of 1950.

3           (e) Any other professional licensed to provide medical healthcare services.

4           (9) "Non-genital gender reassignment surgery" means surgical procedures  
5           such as augmentation mammoplasty, facial feminization surgery, liposuction,  
6           lipofilling, voice surgery, thyroid cartilage reduction, gluteal augmentation, hair  
7           reconstruction, or other aesthetic procedures for biologically male patients or  
8           subcutaneous mastectomy, voice surgery, liposuction, lipofilling, pectoral implants,  
9           or other aesthetic procedures for biologically female patients when performed for the  
10           purpose of assisting an individual with a gender transition.

11           (10) "Physician" means a person who is authorized and licensed in  
12           accordance with the provisions of Chapter 15 of Title 37 of the Louisiana Revised  
13           Statutes of 1950 to practice medicine and surgery or osteopathic medicine and  
14           surgery.

15           (11) "Puberty-blocking drugs" means Gonadotropin-releasing hormone  
16           analogs or other synthetic drugs used in biological male patients to stop luteinizing  
17           hormone secretion and therefore, testosterone secretion, or synthetic drugs used in  
18           biological females that stop the production of estrogen and progesterone, when used  
19           to delay or suppress pubertal development in children for the purpose of assisting an  
20           individual with a gender transition.

21           (12) "Public funds" means any state, county, or local government monies,  
22           in addition to any department, agency, or instrumentality authorized or appropriated  
23           pursuant to state law or derived from any fund in which such monies are deposited.

24           §1091.3. Procedure prohibitions

25           A. Gender transition procedures, as defined in R.S. 40:1091.2, do not include  
26           any of the following:

27           (1) Services provided to individuals born with a medically verifiable disorder  
28           of sex development, including a person with external biological sex characteristics  
29           that are irresolvably ambiguous, such as an individual born with forty-six XX

1 chromosomes with virilization, forty-six XY chromosomes with undervirilization,  
2 or having both ovarian and testicular tissue.

3 (2) Services provided to an individual when a physician has otherwise  
4 diagnosed a disorder of sexual development, in which the physician has determined  
5 through genetic or biochemical testing that the individual does not have normal sex  
6 chromosome structure, sex steroid hormone production, or sex steroid hormone  
7 action for a biological male or biological female.

8 (3) Notwithstanding any other provision of this Part, the treatment of any  
9 infection, injury, disease, or disorder that has been caused or exacerbated by the  
10 performance of gender transition procedures, whether or not the procedures were  
11 performed in accordance with state and federal law.

12 B. Gender reassignment surgery, as defined in R.S. 40:1091.2, does not  
13 include any procedure undertaken because an individual suffers from a physical  
14 disorder, physical injury, or physical illness that is certified by a physician and that  
15 would place the individual in imminent danger of death or impairment of major  
16 bodily function unless surgery is performed.

17 §1091.4. Gender transition procedures; prohibition

18 A. No physician or other medical healthcare professional shall provide  
19 gender transition procedures to any person under eighteen years of age.

20 B. No physician, mental health provider, or other medical healthcare  
21 professional shall refer any person under eighteen years of age to any medical doctor  
22 for gender transition procedures.

23 §1091.5. School personnel

24 No nurse, counselor, teacher, principal, or other official or staff at a public  
25 or private school shall do any of the following:

26 (1) Encourage or coerce a minor to withhold from the minor's parent or legal  
27 guardian the fact that the minor's perception of his gender is inconsistent with his  
28 sex.

1           (2) Withhold from a minor's parent or legal guardian information related to  
2           the minor's perception that his gender is inconsistent with his sex.

3           §1091.6. Allocation of funds

4           A. No public funds shall be directly or indirectly used, granted, paid, or  
5           distributed to any entity, organization, or individual that provides gender transition  
6           procedures to any minor.

7           B. Healthcare services furnished by or in a healthcare facility owned or  
8           operated by the state or a parish or local government entity, or by a physician or  
9           other individual employed by the state or a parish or local government entity, shall  
10          not include gender transition procedures for minors.

11          §1091.7. Healthcare provisions; insurance

12          The benefit package for eligible children under any health insurance policy  
13          or other plan providing healthcare coverage in this state shall not include  
14          reimbursement for gender transition procedures for any person under eighteen years  
15          of age.

16          §1091.8. Penalties

17          A. Any provision of gender transition procedures to a person under eighteen  
18          years of age shall be considered unprofessional conduct and shall be subject to  
19          discipline by the licensing entity with jurisdiction over the physician, mental health  
20          provider, or other medical healthcare professional.

21          B. A person may assert an actual or threatened violation of this Part as a  
22          claim or defense in a judicial or administrative proceeding and obtain compensatory  
23          damages, injunctive relief, declaratory relief, or any other appropriate relief.

24          C. A person shall be required to bring a claim for a violation of this Part not  
25          later than two years after the day the cause of action accrues. A minor may bring an  
26          action before reaching eighteen years of age through a parent or guardian, and may  
27          bring an action in the minor's own name upon reaching eighteen years of age at any  
28          time from that point until twenty years after.



1           D. Notwithstanding any other provision of law, an action under this Section  
2           may be commenced, and relief may be granted, in a judicial proceeding without  
3           regard to whether the person commencing the action has sought or exhausted  
4           available administrative remedies.

5           E. In any action or proceeding to enforce a provision of this Part, a  
6           prevailing party who establishes a violation of this Part shall be entitled to recover  
7           reasonable attorneys' fees.

8           F. The attorney general may bring an action to enforce compliance with this  
9           Part. Nothing in this Part shall be construed to deny, impair, or otherwise affect any  
10          right or authority of the attorney general, the state, or any agency, officer, or  
11          employee of the state, acting under any provision of the Louisiana Revised Statutes  
12          of 1950, to institute or intervene in any proceeding.

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#### 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)]

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HB 570 Original

2022 Regular Session

Firmnt

**Abstract:** Establishes the "SAFE Act" in Louisiana and prohibits procedures that alter the gender of minors.

Proposed law states that the risks associated with the allowance of irreversible, permanently sterilizing genital gender reassignment surgery outweigh the scientific benefits.

Proposed law defines "biological sex", "birth sex", "sex", "cross-sex hormone", "gender", "gender reassignment surgery", "gender transition", "gender transition procedures", "genital gender reassignment surgery", "medical healthcare professional", "non-genital gender reassignment surgery", "physician", "puberty-blocking drugs", and "public funds".

Proposed law prohibits certain medical services for medically diagnosed individuals.

Proposed law prohibits any physician or other medical healthcare professional from performing any gender transition procedures on any person under 18 years of age or referring any person under 18 years of age to any medical doctor for gender transition procedures.

Proposed law prohibits school personnel from encouraging or coercing a minor to withhold from the minor's parent or legal guardian the fact that the minor's perception of his gender is inconsistent with his sex.

Proposed law prohibits the use of any public funds or funds allocated to hospitals for the purpose of financing a gender reassignment procedure.

Proposed law excludes gender transition procedures for any person under 18 years of age from healthcare coverage reimbursement.

Proposed law provides that any provision of gender transition procedures to a person under 18 years of age shall be considered unprofessional conduct and shall be subject to discipline by the licensing entity with jurisdiction over the physician, mental health provider, or other medical healthcare professional.

(Adds R.S. 40:1091.1-1091.8)