

WEST VIRGINIA LEGISLATURE

2020 REGULAR SESSION

Introduced

House Bill 4635

BY DELEGATES D. JEFFRIES, BARTLETT, FAST, ROWAN,
FOSTER, WAXMAN, BARNHART, P. MARTIN, C. MARTIN
AND BUTLER

[Introduced January 31, 2020; Referred to the
Committee on Health and Human Resources then the
Judiciary]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article,
 2 designated §61-2-31, to be called the Vulnerable Child Protection Act, relating to the
 3 prohibition of certain medical treatments and procedures upon a minor, including an
 4 emancipated minor, for the purpose of attempting to change or affirm the minor’s
 5 perception of the minor’s sex, if that perception is inconsistent with the minor’s genetic sex
 6 at birth and making such medical treatments and procedures a felony unless specific
 7 exceptions exist as defined.

Be it enacted by the Legislature of West Virginia:

ARTICLE 2. CRIMES AGAINST THE PERSON.

§61-2-31. Perception of minor’s sex--Prohibited practices--Violation as a felony.

1 (a) Terms used in §61-2-31 of this code mean:

2 (1) “Medical professional,” any physician, surgeon, physician assistant, nurse, clinical
 3 nurse specialist, nurse practitioner, anesthetist, or medical assistant licensed under chapter 30 of
 4 this code;

5 (2) “Sex,” the biological state of being female or male, based on sex organs,
 6 chromosomes, and endogenous hormone profiles.

7 (b) Except as provided in §61-2-31(c) of this code, a medical professional who engages
 8 in any of the following practices upon a minor, including an emancipated minor, for the purpose
 9 of attempting to change or affirm the minor’s perception of the minor’s sex, if that perception is
 10 inconsistent with the minor’s genetic sex at birth, is guilty of a felony and, shall upon conviction,
 11 be sentenced to not less than one, nor more than five years in a state correctional facility and be
 12 fined not exceeding \$500:

13 (1) Performing the following surgeries: Castration, vasectomy, hysterectomy,
 14 oophorectomy, metoidioplasty, orchiectomy, penectomy, phalloplasty, and vaginoplasty;

15 (2) Performing a mastectomy.

16 (3) Prescribing, dispensing, administering, or otherwise supplying the following

17 medications:

18 (A) Puberty-blocking medication to stop normal puberty;

19 (B) Supraphysiologic doses of testosterone to females;

20 (C) Supraphysiologic doses of estrogen to males; or

21 (D) Removing any otherwise healthy or nondiseased body part or tissue.

22 (c) § 61-2-31(b) of this code does not apply to the good faith medical decision of a parent

23 or guardian of a minor born with a medically-verifiable genetic disorder of sex development,

24 including:

25 (1) A minor with external biological sex characteristics that are irresolvably ambiguous,

26 such as a minor born having 46, XX chromosomes with virilization, 46, XY chromosomes with

27 undervirilization, or having both ovarian and testicular tissue; or

28 (2) When a physician has otherwise diagnosed a disorder of sexual development, in which

29 the physician has determined through genetic testing that the minor does not have the normal

30 sex chromosome structure for a male or female.

31 (d) This article may be cited as the Vulnerable Child Protection Act.

NOTE: The purpose of this bill, The Vulnerable Child Protection Act, is to prohibit certain medical treatments and procedures upon a minor, including an emancipated minor, for the purpose of attempting to change or affirm the minor's perception of the minor's sex, if that perception is inconsistent with the minor's genetic sex at birth and making such medical treatments and procedures a felony unless specific exceptions.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.