WEST virginia legislature

2023 regular session

Introduced

House Bill 3097

By Delegates Foster, Phillips, Jeffries, Fast, Burkhammer, Keaton, Brooks, Martin, Crouse, Steele and Hillenbrand

[Introduced January 27, 2023; Referred

to the Committee on Health and Human Resources then the Judiciary]

A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §9-2-14, relating to prohibiting certain medical practices.

Be it enacted by the Legislature of West Virginia:

ARTICLE 2. COMMISSIONER OF HUMAN SERVICES; POWERS, DUTIES AND RESPONSIBILITIES GENERALLY.

§9-2-14. Medicaid and CHIP payment prohibition for gender reassignment surgery.

(a) For the purposes of this section:

(1) "Biological sex" means the biological indication of male and female in the context of reproductive potential or capacity, such as sex chromosomes, naturally occurring sex hormones, gonads and nonambiguous internal and external genitalia present at birth, without regard to an individual's psychological, chosen or subjective experience or gender.

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

(3) "Gender transition" means the process in which a person goes from identifying with and living as a gender that corresponds to the person's biological sex to identifying with and living as a gender different from the person biological sex and may involve social, legal or physical changes.

(4) "Irreversible gender reassignment surgery" means a medical procedure performed for the purpose of assisting an individual with a gender transition, including any of the following:

(A) Penectomy, orchiectomy, vaginoplasty, clitoroplasty, or vulvoplasty for biologically male patients or hysterectomy or ovariectomy for biologically female patients;

(B) Metoidioplasty, Phalloplasty, vaginectomy, scrotoplasty implantation of erection or testicular prostheses for biologically female patients; and

(C) Augmentation mammoplasty for biological male patient and subcutaneous mastectomy for female patients.

(b) A physician who accepts or whose practice accepts Medicaid or Children's Health Insurance Program ("CHIP") as a form of payment may not provide irreversible gender reassignment surgery to a person who is under eighteen years of age.

NOTE: The purpose of this bill is to prohibit Medicaid and CHIP payment for certain prohibited medical practices.

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