

# **WEST VIRGINIA LEGISLATURE**

## **2023 REGULAR SESSION**

**Introduced**

### **House Bill 3183**

By Delegates Dillon, Ross, Ridenour, and Longanacre

[Introduced January 31, 2023; Referred to the  
Committee on the Judiciary]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article,  
 2 designated §16-11A-1, §16-11A-2, §16-11A-3, §16-11A-4, and §16-11A-5, all relating to  
 3 limiting minors' access to gender reassignment surgery or hormone replacement therapy;  
 4 prohibiting school representatives from providing counseling regarding gender or sexuality  
 5 of students; prohibiting all public employees and institutions from distributing materials  
 6 advocating a particular expression of sexuality or gender; providing that a parent,  
 7 guardian, or other legal custodian of a child seeking hormone replacement therapy or  
 8 gender reassignment surgery may not substitute his or her consent for that of the child;  
 9 providing restrictions on physicians using telehealth services in this state; providing that  
 10 upon reaching 18 years of age a person may be eligible for gender reassignment surgery  
 11 or hormone replacement therapy; and providing criminal penalties for any person found  
 12 guilty of crimes sufficient to be placed on a state sex offender's database shall be permitted  
 13 to attend any public school function or athletic event, regardless of participation by the  
 14 offender's own children.

*Be it enacted by the Legislature of West Virginia:*

**ARTICLE 11A. CHILD PROTECTION ACT.**

**§16-11A-1. Legislative Findings.**

1 The Legislature finds that:

2 The founders of the United States of America cited in the Declaration of Independence a  
 3 divine Creator as the source of human life and natural rights;

4 The Constitution of West Virginia cites Divine Providence as the source of our blessings  
 5 and liberty, and reaffirms the necessity for our faith in God;

6 That, as divinely created beings, humans are necessarily subject to the natural order  
 7 established by our Creator, including biological realities;

8 These realities include the natural physical and psychological maturation process along  
 9 with the manifestation of our unique and respective biological attributes based upon our individual

10 genetic compositions;

11 The Legislature further finds that the body of psychological research and literature  
12 reinforces such a view of human development through the process of identity development;

13 The father of identity studies, psychologist Erick Erickson stated, "identity development is  
14 the chief work of adolescence", and this statement illustrates that normal, healthy adolescence is  
15 the natural process by which children develop within their biological parameters toward realization  
16 of their natural potential;

17 The objective reality of biological sex is self-evident and incontrovertible, leaving no need  
18 or place for sexual or gender identity counseling;

19 That normal characteristics of healthy adolescence include a variety of transient and  
20 evolving interests, personal insecurities, self-doubt and body image concerns, none of which  
21 should become permanent fixtures of identity, particularly as a result of outside influence;

22 That outside influences can include adult agendas, and these same agendas may include  
23 ulterior motives which are easily inserted into sexually-themed materials and class discussions;

24 That minors are generally suggestible toward fashionable ideas and vulnerable to outside  
25 influences;

26 That this vulnerability is amplified in minors who have demonstrated social, emotional, or  
27 psychological distress;

28 That if left to natural maturation and socialization processes, and parental guidance, such  
29 issues are generally resolved during the transition into adulthood, or sufficient coping mechanisms  
30 are learned to enable a functional life in adulthood;

31 Adults bear their own responsibility for seeking advice and counsel as needed, whereas  
32 minors lack the autonomy and resources of adults, and are generally bound to their environments.

**§16-11A-2. Prohibitions against public employees' affirming or questioning a minor**  
**student's gender identity.**

1 (a) No school representative or non-parental adult shall provide counseling which

2 questions or affirms any aspect of a student’s sexuality or claimed gender;

3 (b) No public employee, public institution, or representative shall post or distribute in a  
4 public space materials bearing imagery or particular symbolism advocating a particular expression  
5 of sexuality or gender. Violations shall result in:

6 (1) 1st infraction: removal of material and letter of reprimand from supervisor;

7 (2) 2nd infraction: mandatory unpaid suspension of no fewer than 3 days;

8 (3) 3rd infraction: termination of employment;

9 (c) Symbols used to designate separate male and female restroom facilities or images  
10 used in a clinical or academic setting for the exclusive purpose of teaching human biology are not  
11 subject to any provision in this section;

12 (d) No mental health counseling, treatment, or referral for such may be made by any public  
13 employee, public school representative, or individual, group, association or organization invited by  
14 or associated with a general public employee or public school employee for purposes of  
15 addressing gender identity or sexuality of a minor. The same shall be true of school volunteers and  
16 persons associated with athletics, school clubs, and/or extracurricular school clubs or school-  
17 sponsored functions;

**§16-11A-3. Hormonal therapy for gender identity or gender dysphoria limited to consenting adults.**

1 No minor shall be prescribed hormonal treatment for any stated reason, request, or issue  
2 related to addressing gender identity or a claim of gender dysphoria.

**§16-11A-4. Gender reassignment surgery limited to consenting adults.**

1 No minor shall receive gender reassignment surgery regardless of parental consent  
2 status.

**§16-11A-5. Prohibiting those listed on the state sex offender database from public school activities and events.**

1 No person having been found guilty of crimes sufficient to be placed on the state sex

2 offender's database shall be permitted to attend any public school function or attend or participate  
3 in public school or athletic events in any capacity, regardless of participation by offender's own  
4 children;

5 (1) A first violation of this statute shall be a misdemeanor upon first violation, punishable by  
6 not more than six months imprisonment;

7 (2) A second or any other subsequent violation shall constitute a felony punishable by one  
8 to five years imprisonment.

NOTE: The purpose of this bill is to prevent undue pressure and influences on minors in public school and public institutions, limit gender reassignment surgeries and hormone replacement therapies to consenting adults in this state, and to make a new crime of registered sex offenders at public school functions and athletic events, regardless of whether they have a child participating.

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