

# **WEST VIRGINIA LEGISLATURE**

## **2025 REGULAR SESSION**

### **Committee Substitute**

**for**

### **Senate Bill 299**

BY SENATORS ROSE, BARRETT, RUCKER, TAYLOR,

BARTLETT, THORNE, AND WILLIS

[Reported March 3, 2025, from the Committee on the  
Judiciary]



1 A BILL to amend and reenact §30-1-26, §30-3-20, and §30-14-17 of the Code of West Virginia,  
2 1931, as amended; and to amend the code by adding two new sections, designated §30-  
3 3E-20 and §30-7-15f, relating to prohibiting certain medical practices; requiring proposed  
4 legislative rule regarding telehealth practice by a telehealth practitioner to include a  
5 prohibition on prescribing or dispensing gender altering medication; defining terms;  
6 removing an exemption to prohibited practices; providing for an effective date; providing  
7 that violations of the articles are considered unprofessional conduct subject to discipline;  
8 providing for various forms of relief for violations of this article; providing for an exemption  
9 from the requirement for a certificate of merit; providing for the Attorney General to bring  
10 an enforcement action; permitting intervention in proceedings; applying the prohibited  
11 practices to allopathic physicians, osteopathic, physician assistants, and advanced  
12 practice registered nurses; providing for criminal penalties; and providing effective dates.

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

**ARTICLE 1. GENERAL PROVISIONS APPLICABLE TO ALL STATE BOARDS OF  
EXAMINATION OR REGISTRATION REFERRED TO IN CHAPTER.**

**§30-1-26. Telehealth practice.**

1 (a) For the purposes of this section:

2 "Abortifacient" means any chemical or drug prescribed or dispensed with the intent of  
3 causing an abortion.

4 "Established patient" means a patient who has received professional services, face-to-  
5 face, from the physician, qualified health care professional, or another physician or qualified  
6 health care professional of the exact same specialty and subspecialty who belongs to the same  
7 group practice, within the past three years.

8 "Gender altering medication" means the prescribing or administering of the following for  
9 the purpose of assisting an individual with a gender transition:

10       (1) Gonadotropin-releasing hormone (GnRH) analogues or other puberty blocking  
11       medication to stop or delay normal puberty; and

12       (2) Supraphysiologic doses of testosterone, estrogen, or other androgens than would  
13       normally be produced endogenously in a healthy individual of the same age and sex.

14       “Health care practitioner” means a person authorized to practice under §30-3-1 *et seq.*,  
15       §30-3E-1 *et seq.*, §30-4-1 *et seq.*, §30-5-1 *et seq.*, §30-7-1 *et seq.*, §30-7A-1 *et seq.*, §30-8-1 *et*  
16       *seq.*, §30-10-1 *et seq.*, §30-14-1 *et seq.*, §30-16-1 *et seq.*, §30-20-1 *et seq.*, §30-20A-1 *et seq.*,  
17       §30-21-1 *et seq.*, §30-23-1 *et seq.*, §30-26-1 *et seq.*, §30-28-1 *et seq.*, §30-30-1 *et seq.*, §30-31-  
18       1 *et seq.*, §30-32-1 *et seq.*, §30-34-1 *et seq.*, §30-35-1 *et seq.*, §30-36-1 *et seq.*, §30-37-1 *et seq.*  
19       and any other person licensed under this chapter that provides health care services.

20       “Interstate telehealth services” means the provision of telehealth services to a patient  
21       located in West Virginia by a health care practitioner located in any other state or commonwealth  
22       of the United States.

23       “Registration” means an authorization to practice a health profession regulated by §30-1-  
24       1 *et seq.* of this code for the limited purpose of providing interstate telehealth services within the  
25       registrant’s scope of practice.

26       “Telehealth services” means the use of synchronous or asynchronous  
27       telecommunications technology or audio only telephone calls by a health care practitioner to  
28       provide health care services, including, but not limited to, assessment, diagnosis, consultation,  
29       treatment, and monitoring of a patient; transfer of medical data; patient and professional health-  
30       related education; public health services; and health administration. The term does not include  
31       internet questionnaires, e-mail messages, or facsimile transmissions.

32       (b) Unless provided for by statute or legislative rule, a health care board, referred to in  
33       §30-1-1 *et seq.* of this code, shall propose an emergency rule for legislative approval in  
34       accordance with the provisions of §29A-3-15 *et seq.* of this code to regulate telehealth practice  
35       by a telehealth practitioner. The proposed rule shall consist of the following:

(1) The practice of the health care service occurs where the patient is located at the time the telehealth services are provided;

(2) The health care practitioner who practices telehealth shall be:

(A) Licensed in good standing in all states in which he or she is licensed and not currently under investigation or subject to an administrative complaint; and

(B) Registered as an interstate telehealth practitioner with the appropriate board in West Virginia;

(3) When the health care practitioner-patient relationship is established;

(4) The standard of care for the provision of telehealth services. The standard of care shall require that with respect to the established patient, the patient shall visit an in-person health care practitioner within 12 months of using the initial telemedicine service or the telemedicine service shall no longer be available to the patient until an in-person visit is obtained. This requirement may be suspended, in the discretion of the health care practitioner, on a case-by-case basis, and it does not apply to the following services: Acute inpatient care, post-operative follow-up checks, behavioral medicine, addiction medicine, or palliative care;

(5) A prohibition of prescribing any controlled substance listed in Schedule II of the Uniform Controlled Substance Act, unless authorized by another section: *Provided*, That the prescribing limitations contained in this section do not apply to a physician or a member of the same group practice with an established patient;

(6) Establish the conduct of a registrant for which discipline may be imposed by the board of registration;

(7) Establish a fee, not to exceed the amount to be paid by a licensee, to be paid by the interstate telehealth practitioner registered in the state;

(8) A reference to the board's discipline process; ~~and~~

(9) A prohibition of prescribing or dispensing an abortifacient; and

61           (10) A prohibition of prescribing or dispensing gender altering medication to a person who  
62           is under 18 years of age.

63           (c) A registration issued pursuant to the provisions of or the requirements of this section  
64           does not authorize a health care professional to practice from a physical location within this state  
65           without first obtaining appropriate licensure.

66           (d) By registering to provide interstate telehealth services to patients in this state, a health  
67           care practitioner is subject to:

68           (1) The laws regarding the profession in this state, including the state judicial system and  
69           all professional conduct rules and standards incorporated into the health care practitioner's  
70           practice act and the legislative rules of registering board; and

71           (2) The jurisdiction of the board with which he or she registers to provide interstate  
72           telehealth services, including such board's complaint, investigation, and hearing process.

73           (e) A health care professional who registers to provide interstate telehealth services  
74           pursuant to the provisions of or the requirements of this section shall immediately notify the board  
75           where he or she is registered in West Virginia and of any restrictions placed on the individual's  
76           license to practice in any state or jurisdiction.

77           (f) A person currently licensed in this state is not subject to registration but shall practice  
78           telehealth in accordance with the provisions of this section and the rules promulgated thereunder.

### **ARTICLE 3. WEST VIRGINIA MEDICAL PRACTICE ACT.**

#### **§30-3-20. Prohibited practice.**

1           (a) For the purposes of this section:

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

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

"Gender altering medication" means the prescribing or administering of the following for the purpose of assisting an individual with a gender transition:

(1) ~~Puberty blocking medication to stop or delay normal puberty;~~ Gonadotropin-releasing hormone (GnRH) analogues or other puberty blocking medication to stop or delay normal puberty;  
and

(2) Supraphysiologic doses of testosterone, estrogen, or other androgens than would normally be produced endogenously in a healthy individual of the same age and sex. ~~to females;~~  
and

~~(3) Supraphysiologic doses of estrogen to males.~~

"Gender reassignment surgery" means a surgical procedure performed for the purpose of assisting an individual with a gender transition, including any of the following:

(1) Penectomy, orchiectomy, vaginoplasty, clitoroplasty, vulvoplasty, hysterectomy, or ovariectomy;

(2) Metoidioplasty, phalloplasty, vaginectomy, scrotoplasty, or implantation of erection or testicular prostheses; and

(3) Augmentation mammoplasty, subcutaneous mastectomy, or any plastic, cosmetic, or aesthetic surgery that feminizes or masculinizes the facial or other body features of an individual.

"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~~ person's sex and may involve social, legal, or physical changes.

~~"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:~~

31 ~~(1) Penectomy, orchiectomy, vaginoplasty, clitoroplasty, or vulvoplasty, for biologically~~  
32 ~~male patients or hysterectomy, or ovariectomy; for biologically female patients;~~

33 ~~(2) Metoidioplasty, phalloplasty, vaginectomy, scrotoplasty, or implantation of erection or~~  
34 ~~testicular prostheses for biologically female patients; and~~

35 ~~(3) Augmentation mammoplasty, for biological male patient and subcutaneous~~  
36 ~~mastectomy, for female patients.~~

37 "Sex" means the state of being either male or female as observed or clinically verified at  
38 birth. There are only two sexes, and every individual is either male or female: *Provided, That*  
39 individuals with congenital and medically verifiable "DSD conditions" (sometimes referred to as  
40 "differences in sex development", "disorders in sex development", or "intersex conditions") are  
41 not members of a third sex and must be accommodated consistent with state and federal law.

42 (b) ~~Except as otherwise provided in §30-3-20(e), a~~ A physician may not provide irreversible  
43 gender reassignment surgery or gender altering medication to a person who is under 18 years of  
44 age.

45 (c) A physician may provide any of the following to a person who is under 18 years of age:

46 (1) Services provided to an individual born with a medically verifiable disorder of sex  
47 development, including, but not limited to, a person with external biological sex characteristics  
48 that are irresolvably ambiguous, such as an individual born with 46 xx chromosomes with  
49 virilization, 46 xy chromosomes with undervirilization, or having both ovarian and testicular tissue;

50 (2) Services provided to an individual when a physician has otherwise diagnosed a  
51 disorder of sexual development and in which the physician has determined through genetic or  
52 biochemical testing that the individual does not have normal sex chromosome structure, sex  
53 steroid hormone production, or sex steroid hormone action;

54 (3) The treatment of any infection, injury, disease, or disorder that has been caused by or  
55 exacerbated by the performance of gender transition procedures, whether or not these  
56 procedures were performed in accordance with state and federal law; and



(4) Any procedure undertaken because the individual suffers from a physical disorder, physical injury, or physical illness that would, as certified by a physician, place the person in imminent danger of death, or impairment of a major bodily function unless surgery is performed.

~~(5) Pubertal modulating and hormonal therapy for severe gender dysphoria if:~~

~~(A) The minor has been diagnosed as suffering from severe gender dysphoria by no fewer than two medical or mental health providers with at least one being a mental health provider or adolescent medicine specialist, and both having relevant training in the diagnosis and treatment of severe gender dysphoria in adolescents;~~

~~(B) The diagnosing medical professionals express in written opinions that treatment with pubertal modulating and hormonal therapy is medically necessary to treat the minor's psychiatric symptoms and limit self-harm, or the possibility of self-harm, by the minor;~~

~~(C) The minor, the minor's parents, legal guardians, or person or other persons charged with medical decision-making for the minor, and the minor's primary physician agree in writing with the treatment with pubertal modulating and hormonal therapy for the minor;~~

~~(D) Any use of gender altering medication is for purposes of pubertal modulating and hormonal therapy limited to the lowest titratable dosage necessary to treat the psychiatric condition and not for purposes of gender transition; and~~

~~(E) Notwithstanding the provisions of paragraphs (A) through (D) of this subdivision where the minor is prepubescent, hormonal treatment may not be provided;~~

(d) The provisions of this section are effective on January 1, 2024. The amendments made to this article during the 2025 regular session of the Legislature are effective on August 1, 2025.

(e) If a physician provides either gender reassignment surgery or gender altering medication to a person who is under 18 years of age, the appropriate licensing board shall find the physician in violation of this section and shall immediately revoke the license of the physician.

(f) A person may assert an actual or threatened violation of this section as a claim or defense in a judicial or administrative proceeding and obtain compensatory damages, injunctive

83 relief, declaratory relief, reasonable attorneys' fees, and any other appropriate relief. A person  
84 shall bring a claim for a violation of this section not later than two years after the day the cause of  
85 action accrues. A minor may bring an action before reaching 18 years of age through a parent or  
86 guardian and may bring an action in the minor's own name upon reaching 18 years of age at any  
87 time from that point until 20 years after. Inasmuch as the Legislature intends to make unlawful the  
88 provision of gender reassignment surgery or gender altering medication to a minor, it is the intent  
89 of the Legislature that this section be exempt from compliance with §55-7B-6 of this code.

90 (g) The Attorney General may bring an action to enforce compliance with this section.  
91 Nothing in this section shall be construed to deny, impair, or otherwise affect any right or authority  
92 of the Attorney General, the state, or any agency, officer, or employee of the state to institute or  
93 intervene in any proceeding.

94 (h) If any provision of this section, or the application thereof to any provision or  
95 circumstance, shall be held unconstitutional or otherwise invalid, such invalidity or  
96 unconstitutionality shall not affect the provisions or application of this section which can be given  
97 effect without the unconstitutional or invalid provisions of application, and to this end the  
98 provisions of this section are declared to be severable.

## **ARTICLE 3E. PHYSICIAN ASSISTANTS PRACTICE ACT.**

### **§30-3E-20. Prohibited practice.**

1 (a) For the purposes of this section:  
2 "Gender" means the psychological, behavioral, social, and cultural aspects of being male  
3 or female.

4 "Gender altering medication" means the prescribing or administering of the following for  
5 the purpose of assisting an individual with a gender transition:

6 (1) Gonadotropin-releasing hormone (GnRH) analogues or other puberty blocking  
7 medication to stop or delay normal puberty; and

(2) Supraphysiologic doses of testosterone, estrogen, or other androgens than would normally be produced endogenously in a healthy individual of the same age and sex.

"Gender reassignment surgery" means a surgical procedure performed for the purpose of assisting an individual with a gender transition, including any of the following:

(1) Penectomy, orchiectomy, vaginoplasty, clitoroplasty, vulvoplasty, hysterectomy, or ovariectomy;

(2) Metoidioplasty, phalloplasty, vaginectomy, scrotoplasty, or implantation of erection or testicular prostheses; and

(3) Augmentation mammoplasty, subcutaneous mastectomy, or any plastic, cosmetic, or aesthetic surgery that feminizes or masculinizes the facial or other body features of an individual.

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

"Sex" means the state of being either male or female as observed or clinically verified at birth. There are only two sexes, and every individual is either male or female: *Provided, That* individuals with congenital and medically verifiable "DSD conditions" (sometimes referred to as "differences in sex development", "disorders in sex development", or "intersex conditions") are not members of a third sex and must be accommodated consistent with state and federal law.

(b) A physician assistant may not assist in providing gender reassignment surgery or provide gender altering medication to a person who is under 18 years of age.

(c) A physician assistant may provide, within his or her scope of practice, any of the following to a person who is under 18 years of age:

(1) Services provided to an individual born with a medically verifiable disorder of sex development, including, but not limited to, a person with external sex characteristics that are irresolvably ambiguous, such as an individual born with 46 xx chromosomes with virilization, 46 xy chromosomes with undervirilization, or having both ovarian and testicular tissue;

34       (2) Services provided to an individual when a physician has otherwise diagnosed a  
35 disorder of sexual development and in which the physician has determined through genetic or  
36 biochemical testing that the individual does not have normal sex chromosome structure, sex  
37 steroid hormone production, or sex steroid hormone action;

38       (3) The treatment of any infection, injury, disease, or disorder that has been caused by or  
39 exacerbated by the performance of gender transition procedures, whether or not these  
40 procedures were performed in accordance with state and federal law; and

41       (4) Any procedure undertaken because the individual suffers from a physical disorder,  
42 physical injury, or physical illness that would, as certified by a physician, place the person in  
43 imminent danger of death, or impairment of a major bodily function unless surgery is performed.

44       (d) The provisions of this section are effective on August 1, 2025.

45       (e) If a physician assistant provides either gender reassignment surgery or gender altering  
46 medication to a person who is under 18 years of age, the appropriate licensing board shall find  
47 the physician assistant in violation of this section and shall immediately revoke the license of the  
48 physician assistant.

49       (f) A person may assert an actual or threatened violation of this section as a claim or  
50 defense in a judicial or administrative proceeding and obtain compensatory damages, injunctive  
51 relief, declaratory relief, reasonable attorneys' fees, and any other appropriate relief. A person  
52 shall be required to bring a claim for a violation of this section not later than two years after the  
53 day the cause of action accrues. A minor may bring an action before reaching 18 years of age  
54 through a parent or guardian and may bring an action in the minor's own name upon reaching 18  
55 years of age at any time from that point until 20 years after. Inasmuch as the Legislature intends  
56 to make unlawful the provision of gender reassignment surgery or gender altering medication to  
57 a minor, it is the intent of the Legislature that this section be exempt from compliance with §55-  
58 7B-6 of this code.

59        (g) The Attorney General may bring an action to enforce compliance with this section.  
60        Nothing in this section shall be construed to deny, impair, or otherwise affect any right or authority  
61        of the Attorney General, the state, or any agency, officer, or employee of the state to institute or  
62        intervene in any proceeding.

63        (h) If any provision of this section, or the application thereof to any provision or  
64        circumstance, shall be held unconstitutional or otherwise invalid, such invalidity or  
65        unconstitutionality shall not affect the provisions or application of this section which can be given  
66        effect without the unconstitutional or invalid provisions of application, and to this end the  
67        provisions of this section are declared to be severable.

## **ARTICLE 7. REGISTERED PROFESSIONAL NURSES.**

### **§30-7-15f. Prohibited practice.**

1        (a) For the purposes of this section:  
2        "Gender" means the psychological, behavioral, social, and cultural aspects of being male  
3        or female.  
4        "Gender altering medication" means the prescribing or administering of the following for  
5        the purpose of assisting an individual with a gender transition:  
6        (1) Gonadotropin-releasing hormone (GnRH) analogues or other puberty blocking  
7        medication to stop or delay normal puberty; and  
8        (2) Supraphysiologic doses of testosterone, estrogen, or other androgens than would  
9        normally be produced endogenously in a healthy individual of the same age and sex.  
10       "Gender reassignment surgery" means a surgical procedure performed for the purpose of  
11       assisting an individual with a gender transition, including any of the following:  
12       (1) Penectomy, orchiectomy, vaginoplasty, clitoroplasty, vulvoplasty, hysterectomy, or  
13       ovariectomy;

14           (2) Metoidioplasty, phalloplasty, vaginectomy, scrotoplasty, or implantation of erection or  
15   testicular prostheses; and

16           (3) Augmentation mammoplasty, subcutaneous mastectomy, or any plastic, cosmetic, or  
17   aesthetic surgery that feminizes or masculinizes the facial or other body features of an individual.

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

21           "Sex" means the state of being either male or female as observed or clinically verified at  
22   birth. There are only two sexes, and every individual is either male or female: *Provided, That*  
23   individuals with congenital and medically verifiable "DSD conditions" (sometimes referred to as  
24   "differences in sex development", "disorders in sex development", or "intersex conditions") are  
25   not members of a third sex and must be accommodated consistent with state and federal law.

26           (b) An advanced practice registered nurse may not assist in providing gender  
27   reassignment surgery or provide gender altering medication to a person who is under 18 years of  
28   age.

29           (c) An advanced practice registered nurse may, within his or her scope of practice, provide  
30   any of the following to a person who is under 18 years of age:

31           (1) Services provided to an individual born with a medically verifiable disorder of sex  
32   development, including, but not limited to, a person with external sex characteristics that are  
33   irresolvably ambiguous, such as an individual born with 46 xx chromosomes with virilization, 46  
34   xy chromosomes with undervirilization, or having both ovarian and testicular tissue;

35           (2) Services provided to an individual when a physician has otherwise diagnosed a  
36   disorder of sexual development and in which the physician has determined through genetic or  
37   biochemical testing that the individual does not have normal sex chromosome structure, sex  
38   steroid hormone production, or sex steroid hormone action;

39       (3) The treatment of any infection, injury, disease, or disorder that has been caused by or  
40 exacerbated by the performance of gender transition procedures, whether or not these  
41 procedures were performed in accordance with state and federal law; and

42       (4) Any procedure undertaken because the individual suffers from a physical disorder,  
43 physical injury, or physical illness that would, as certified by a physician, place the person in  
44 imminent danger of death, or impairment of a major bodily function unless surgery is performed.

45       (d) The provisions of this section are effective on August 1, 2025.

46       (e) If an advanced practice registered nurse provides either gender reassignment surgery  
47 or gender altering medication to a person who is under 18 years of age, the appropriate licensing  
48 board shall find the advanced practice registered nurse in violation of this section and shall  
49 immediately revoke the license of the advanced practice registered nurse.

50       (f) A person may assert an actual or threatened violation of this section as a claim or  
51 defense in a judicial or administrative proceeding and obtain compensatory damages, injunctive  
52 relief, declaratory relief, reasonable attorneys' fees, and any other appropriate relief. A person  
53 shall bring a claim for a violation of this section not later than two years after the day the cause of  
54 action accrues. A minor may bring an action before reaching 18 years of age through a parent or  
55 guardian and may bring an action in the minor's own name upon reaching 18 years of age at any  
56 time from that point until 20 years after. Inasmuch as the Legislature intends to make unlawful the  
57 provision of gender reassignment surgery or gender altering medication to a minor, it is the intent  
58 of the Legislature that this section be exempt from compliance with §55-7B-6 of this code.

59       (g) The Attorney General may bring an action to enforce compliance with this section.  
60 Nothing in this section shall be construed to deny, impair, or otherwise affect any right or authority  
61 of the Attorney General, the state, or any agency, officer, or employee of the state to institute or  
62 intervene in any proceeding.

63       (h) If any provision of this section, or the application thereof to any provision or  
64 circumstance, shall be held unconstitutional or otherwise invalid, such invalidity or

unconstitutionality shall not affect the provisions or application of this section which can be given effect without the unconstitutional or invalid provisions of application, and to this end the provisions of this section are declared to be severable.

## **ARTICLE 14. OSTEOPATHIC PHYSICIANS AND SURGEONS.**

### **§30-14-17. Prohibited practice.**

(a) For the purposes of this section:

~~"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.~~

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

"Gender altering medication" means the prescribing or administering of the following for the purpose of assisting an individual with a gender transition:

~~(1) Puberty blocking medication to stop or delay normal puberty; Gonadotropin-releasing hormone (GnRH) analogues or other puberty blocking medication to stop or delay normal puberty;~~  
and

~~(2) Supraphysiologic doses of testosterone, estrogen, or other androgens than would normally be produced endogenously in a healthy individual of the same age and sex. to females;~~  
and

~~(3) Supraphysiologic doses of estrogen to males.~~

"Gender reassignment surgery" means a surgical procedure performed for the purpose of assisting an individual with a gender transition, including any of the following:

(1) Penectomy, orchiectomy, vaginoplasty, clitoroplasty, vulvoplasty, hysterectomy, or ovariectomy;



(2) Metoidioplasty, phalloplasty, vaginectomy, scrotoplasty, or implantation of erection or testicular prostheses; and

(3) Augmentation mammoplasty, and subcutaneous mastectomy, or any plastic, cosmetic, or aesthetic surgery that feminizes or masculinizes the facial or other body features of an individual.

"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~~ person's sex and may involve social, legal, or physical changes.

~~"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:~~

~~(1) Penectomy, orchiectomy, vaginoplasty, clitoroplasty, or vulvoplasty, for biologically male patients or hysterectomy, or ovariectomy for biologically female patients;~~

~~(2) Metoidioplasty, phalloplasty, vaginectomy, scrotoplasty, or implantation of erection or testicular prostheses for biologically female patients; and~~

~~(3) Augmentation mammoplasty, for biological male patient and subcutaneous mastectomy, for female patients.~~

"Sex" means the state of being either male or female as observed or clinically verified at birth. There are only two sexes, and every individual is either male or female: *Provided, That* individuals with congenital and medically verifiable "DSD conditions" (sometimes referred to as "differences in sex development", "disorders in sex development", or "intersex conditions") are not members of a third sex and must be accommodated consistent with state and federal law.

~~(b) Except as otherwise provided in §30-14-17(c), a~~ A physician may not provide ~~irreversible~~ gender reassignment surgery or gender altering medication to a person who is under 18 years of age.

(c) A physician may provide any of the following to a person who is under 18 years of age:

(1) Services provided to an individual born with a medically verifiable disorder of sex development, including, but not limited to, a person with external biological sex characteristics that are irresolvably ambiguous, such as an individual born with 46 xx chromosomes with virilization, 46 xy chromosomes with undervirilization, or having both ovarian and testicular tissue;

(2) Services provided to an individual when a physician has otherwise diagnosed a disorder of sexual development and in which the physician has determined through genetic or biochemical testing that the individual does not have normal sex chromosome structure, sex steroid hormone production, or sex steroid hormone action;

(3) The treatment of any infection, injury, disease, or disorder that has been caused by or exacerbated by the performance of gender transition procedures, whether or not these procedures were performed in accordance with state and federal law; and

(4) Any procedure undertaken because the individual suffers from a physical disorder, physical injury, or physical illness that would, as certified by a physician, place the person in imminent danger of death, or impairment of a major bodily function unless surgery is performed.

~~(5) Pubertal modulating and hormonal therapy for severe gender dysphoria if:~~

~~(A) The minor has been diagnosed as suffering from severe gender dysphoria by no fewer than two medical or mental health providers with at least one being a mental health provider or adolescent medicine specialist and both having relevant training in the diagnosis and treatment of severe gender dysphoria in adolescents;~~

~~(B) The diagnosing medical professionals express in written opinions that treatment with pubertal modulating and hormonal therapy is medically necessary to treat the minor's psychiatric symptoms and limit self-harm, or the possibility of self-harm, by the minor;~~

~~(C) The minor, the minor's parents, legal guardians, or person or persons charged with medical decision-making for the minor and the minor's primary physician agree in writing with the treatment with gender altering medication for the minor;~~

~~(D) Any use of gender altering medication is for purposes of pubertal modulating and hormonal therapy and is limited to the lowest titratable dosage necessary to treat the psychiatric condition and not for purposes of gender transition; and~~

~~(E) Notwithstanding the provisions of paragraphs (A) through (D) of this subdivision where the minor is prepubescent, hormonal treatment may not be provided.~~

(d) The provisions of this section are effective on January 1, 2024. The amendments made to this article during the 2025 regular session of the Legislature shall be effective on August 1, 2025.

(e) If a physician provides either gender reassignment surgery or gender altering medication to a person who is under 18 years of age, the appropriate licensing board shall find the physician in violation of this section and shall immediately revoke the license of the physician.

(f) A person may assert an actual or threatened violation of this section as a claim or defense in a judicial or administrative proceeding and obtain compensatory damages, injunctive relief, declaratory relief, reasonable attorneys' fees, and any other appropriate relief. A person shall bring a claim for a violation of this section not later than two years after the day the cause of action accrues. A minor may bring an action before reaching 18 years of age through a parent or guardian and may bring an action in the minor's own name upon reaching 18 years of age at any time from that point until 20 years after. Inasmuch as the Legislature intends to make unlawful the provision of gender reassignment surgery or gender altering medication to a minor, it is the intent of the Legislature that this section be exempt from compliance with §55-7B-6 of this code.

(g) The Attorney General may bring an action to enforce compliance with this section. Nothing in this section shall be construed to deny, impair, or otherwise affect any right or authority of the Attorney General, the state, or any agency, officer, or employee of the state to institute or intervene in any proceeding.

(h) If any provision of this section, or the application thereof to any provision or circumstance, shall be held unconstitutional or otherwise invalid, such invalidity or

98 unconstitutionality shall not affect the provisions or application of this section which can be given  
99 effect without the unconstitutional or invalid provisions of application, and to this end the  
100 provisions of this section are declared to be severable.