

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Introduced

Senate Bill 299

By Senator Rose

[Introduced February 12, 2025; referred
to the Committee on Health and Human Resources;
and then to the Committee on the Judiciary]

1 A BILL to amend and reenact §30-3-20 and §30-14-17 of the Code of West Virginia, 1931, as
 2 amended; and to amend the code by adding two new sections, designated §30-3E-20 and
 3 §30-7-15f, relating to prohibiting certain medical practices; defining terms; removing an
 4 exemption to prohibited practices; providing for an effective date; providing that violations
 5 of the article are considered unprofessional conduct subject to discipline; providing for
 6 various forms of relief for violations of this article; providing for an exemption from the
 7 requirement for a certificate of merit; providing for the Attorney General to bring an
 8 enforcement action; permitting intervention in proceedings; and applying the prohibited
 9 practices to physician assistants and advanced practice registered nurses.

Be it enacted by the Legislature of West Virginia:

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.~~

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

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

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

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

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

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

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

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

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

29 ~~"Irreversible gender reassignment surgery" means a medical procedure performed for the~~
30 ~~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 biological indication of male and female in the context of reproductive
38 potential or capacity, such as sex chromosomes, naturally occurring sex hormones, gonads, and

39 nonambiguous internal and external genitalia present at birth, without regard to an individual's
40 psychological, chosen, or subjective experience or gender.

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

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

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

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

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

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

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

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

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

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

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

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

75 (d) The provisions of this section are effective on January 1, 2024. The amendments made
76 to this article during the 2025 regular session of the Legislature shall be effective on August 1,
77 2025.

78 (e) The provision of gender reassignment surgery or gender altering medication to a
79 person who is under 18 years of age shall, upon an adverse ruling by the appropriate licensing
80 board, be considered unprofessional conduct and shall be subject to discipline by the licensing
81 entity with jurisdiction over the physician.

82 (f) A person may assert an actual or threatened violation of this section as a claim or
83 defense in a judicial or administrative proceeding and obtain compensatory damages, injunctive
84 relief, declaratory relief, reasonable attorneys' fees, and any other appropriate relief. A person
85 shall be required to bring a claim for a violation of this section not later than two years after the day
86 the cause of action accrues. A minor may bring an action before reaching 18 years of age through
87 a parent or guardian and may bring an action in the minor's own name upon reaching 18 years of
88 age at any time from that point until 20 years after. This section is exempt from compliance with
89 §55-7B-6 of this code.

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

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

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

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

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

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

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

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

44 (e) The provision of gender reassignment surgery or gender altering medication to a
45 person who is under 18 years of age shall, upon an adverse ruling by the appropriate licensing

46 board, be considered unprofessional conduct and shall be subject to discipline by the licensing
47 entity with jurisdiction over the physician assistant.

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

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

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

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

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

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

33 (2) Services provided to an individual when a physician has otherwise diagnosed a
34 disorder of sexual development and in which the physician has determined through genetic or

35 biochemical testing that the individual does not have normal sex chromosome structure, sex
36 steroid hormone production, or sex steroid hormone action;

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

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

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

44 (e) The provision of gender reassignment surgery or gender altering medication to a
45 person who is under 18 years of age shall, upon an adverse ruling by the appropriate licensing
46 board, be considered unprofessional conduct and shall be subject to discipline by the licensing
47 entity with jurisdiction over the advance practice registered nurse.

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

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

ARTICLE 14. OSTEOPATHIC PHYSICIANS AND SURGEONS.

§30-14-17. 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.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

42 (b) ~~Except as otherwise provided in §30-14-17(c), a~~ A physician may not provide
43 irreversible gender reassignment surgery or gender altering medication to a person who is under
44 18 years of 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 that
48 are irresolvably ambiguous, such as an individual born with 46 xx chromosomes with virilization,
49 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

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

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

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

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

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

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

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

76 (d) The provisions of this section are effective on January 1, 2024. The amendments made
77 to this article during the 2025 regular session of the Legislature shall be effective on August 1,
78 2025.

79 (e) The provision of gender reassignment surgery or gender altering medication to a
80 person who is under 18 years of age shall, upon an adverse ruling by the appropriate licensing
81 board, be considered unprofessional conduct and shall be subject to discipline by the licensing
82 entity with jurisdiction over the physician.

83 (f) A person may assert an actual or threatened violation of this section as a claim or
84 defense in a judicial or administrative proceeding and obtain compensatory damages, injunctive
85 relief, declaratory relief, reasonable attorneys' fees, and any other appropriate relief. A person
86 shall be required to bring a claim for a violation of this section not later than two years after the day
87 the cause of action accrues. A minor may bring an action before reaching 18 years of age through
88 a parent or guardian and may bring an action in the minor's own name upon reaching 18 years of
89 age at any time from that point until 20 years after. This section is exempt from compliance with
90 §55-7B-6 of this code.

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

NOTE: The purpose of this bill is to update the state's regulation of pubertal modulation and hormonal therapy to better protect the health and safety of minors in light of recent scientific developments that further demonstrate the harm of these drugs and surgeries on minors. The bill also applies the enumerated prohibitions to physician assistants and advance practice registered nurses.

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