

SUBJECT: Prohibiting certain gender transition or reassignment procedures

COMMITTEE: Public Health — favorable, without amendment

VOTE: 6 ayes — Klick, Allison, Jetton, Oliverson, Price, Smith

4 nays — Campos, Coleman, Collier, Zwiener

1 absent — Guerra

WITNESSES: For — Lynn Meagher, Oasis-A Place for Parents; Mary Castle and Jonathan Saenz, Texas Values Action; Jason Vaughn, Texas Young Republicans; Alan Hopewell; Ellen Klipp; (*Registered, but did not testify*: Hailee Harris, Austin Chapter of Parents of Kids with Rapid Onset Gender Dysphoria; Jill Glover, Republican Party of Texas; Ruth York, Tea Party Patriots of Eastland County; Texas Family Defense Committee; Cindi Castilla, Texas Eagle Forum; Donald Garner, Texas Faith & Freedom Coalition; Beverly Roberts, Texas Mass Resistance; Jonathan Covey, Gregory McCarthy, and David Walls, Texas Values Action; Tom Nobis, The Republican Party of Texas; Jennifer Allmon, The Texas Catholic Conference of Bishops; Shelia Franklin, True Texas Project; and 67 individuals)

Against — Brian Klosterboer and Adri Perez, ACLU of Texas; Holt Lackey, Equality Texas; Ximena Lopez, Pediatric Endocrine Society; Seth Kaplan, Texas Pediatric Society, Texas Medical Association, Texas Academy of Family Physicians, TAOG, ACOG District 11, and American College of Physicians Service Texas Chapter; and six individuals; (*Registered, but did not testify*: Warren Burkley, Austin Justice Coalition; Melina Wald, Columbia University Department of Psychiatry; Ricardo Martinez, Equality Texas; Carrie Richgels, Fenway Health; Rebecca Marques, Human Rights Campaign; Frank Gonzales and Rachel Gonzales, Human Rights Campaign and Parents for Transgender Equality Council; Angela Hale, LGBTQ Chambers of Commerce; Bill Kelly, Mayor's Office, City of Houston; Matthew Lovitt, National Alliance on Mental Illness Texas; Alison Mohr Boleware and Jessica Riley, National

Association of Social Workers-Texas Chapter; Kelli Busey, Planet Transgender News Media; Leticia Van de Putte, Texas Academy of Physician Assistants; David Reynolds, Texas Chapter of the American College of Physicians; Jan Friese, Texas Counseling Association; Joey Gidseg, Texas Democrats with Disabilities Caucus; Marti Bier and Carisa Lopez, Texas Freedom Network; Christopher Hamilton, Texas Health Action; Joshua Houston, Texas Impact; Dan Finch, Texas Medical Association; Kevin Stewart, Texas Psychological Association; Corisha Rogers, Texas Rising; Dana Harris, The Greater Austin Chamber of Commerce; Maureen Thompson, The Pediatric Endocrine Society; Landon Richie, Emmett Schelling, and Andrea Segovia, Transgender Education Network of Texas; Stephanie Gharakhanian, Workers Defense Action Fund; and 94 individuals)

On — Kevin Stuart, Austin Institute for the Study of Family and Culture; (*Registered, but did not testify*: Shawn Hall Lecuona, Lecuona Law, PLLC, Lecuona Life Ministries, and Burning For Quote)

BACKGROUND: Occupations Code sec. 164.052 prohibits certain conduct by a physician or a license applicant.

DIGEST: HB 1399 would prohibit a physician or other health care provider from performing certain gender transition or reassignment procedures for a child younger than 18 years old.

Prohibitions. Under the bill, for the purpose of transitioning a child's biological sex or affirming the child's perception of the child's sex if that perception was inconsistent with the child's biological sex, a physician or other health care provider could not perform a specified surgery that sterilized the child, including castration, vasectomy, hysterectomy, penectomy, and vaginoplasty.

The bill also would prohibit a physician or provider from providing, administering, prescribing, or dispensing any of the following prescription drugs that induce transient or permanent infertility:

- puberty suppression or blocking prescription drugs to stop or delay normal puberty;
- supraphysiologic doses of testosterone to females; or
- supraphysiologic doses of estrogen to males.

A physician or health care provider could not remove any otherwise healthy or non-diseased body part or tissue.

Exceptions. The prohibited surgeries would not apply in the case of appropriate and medically necessary gender transitioning or gender reassignment procedures or treatments to a child who:

- was born with a medically verifiable genetic disorder of sex development, as specified in the bill; or
- did not have the normal sex chromosome structure for male or female as determined by a physician through genetic testing.

Professional liability coverage. The bill would prohibit a professional liability insurance policy issued to a physician or health care provider from including coverage for damages assessed against the physician or health care provider who provided prohibited child gender transitioning or reassignment procedures or treatment.

The bill would apply only to a medical professional liability insurance policy that was issued or renewed on or after January 1, 2022.

Unemancipated minor. The bill would prohibit a physician or license applicant from committing certain actions while facilitating the gender transition or treating the gender dysphoria of an unemancipated minor. A physician or license applicant could not:

- provide, administer, prescribe, or dispense a puberty suppression or blocking prescription drug or cross-sex hormone to the minor, including by writing a false or fictitious prescription; or
- perform or attempt to perform a surgical intervention on the minor.

Exception. Under the bill, a physician or license applicant would not commit a prohibited practice if the physician or applicant provided a puberty suppression or blocking prescription drug to an unemancipated minor to normalize puberty for a minor experiencing precocious puberty.

The bill would take effect September 1, 2021, and would apply only to conduct that occurred on or after that date.