

**House File 2450 - Introduced**

HOUSE FILE 2450

BY BENNETT

**A BILL FOR**

1 An Act relating to treatment or intervention involving an  
2 intersex minor.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 147.163 Legislative findings —  
2 treatment or intervention regarding intersex minors.

3 The general assembly finds and declares all of the  
4 following:

5 1. The general assembly opposes all forms of prejudice,  
6 bias, or discrimination and affirms the general assembly's  
7 commitment to the dignity and autonomy of all people,  
8 including those born with variations in their physical sex  
9 characteristics.

10 2. Intersex people are a part of the fabric of our state's  
11 diversity to be celebrated, rather than an aberration to be  
12 corrected.

13 3. Intersex people should be free to choose whether to  
14 undergo life-altering surgeries and other treatments or  
15 interventions on their physical sexual characteristics that  
16 irreversibly, and sometimes irreparably, cause harm.

17 4. The enactment of legislation is necessary to ensure  
18 the ability of intersex people to participate in decisions  
19 about surgery and other medical treatments or interventions  
20 on their physical sex characteristics, and to guarantee the  
21 rights of intersex people to bodily integrity, autonomy, and  
22 self-determination.

23 Sec. 2. NEW SECTION. 147.164 Intersex minors — informed  
24 consent — penalties.

25 1. As used in this section:

26 a. "*Intersex minor*" means a person during the period of  
27 minority as specified in section 599.1 born with atypical  
28 physical sex characteristics including but not limited to  
29 chromosomes, genitals, or internal organs, and includes  
30 differences in sex development resulting from androgen  
31 insensitivity syndrome, congenital adrenal hyperplasia, and  
32 hypospadias.

33 b. "*Medically necessary*" means that the treatment or  
34 intervention on the sex characteristics of an intersex minor is  
35 reasonable and necessary for the diagnosis or treatment of an

1 illness or injury and cannot be safely deferred. A *medically*  
2 *necessary* treatment or intervention on the sex characteristics  
3 of an intersex minor includes but is not limited to a procedure  
4 to repair the bladder, a cloacal exstrophy, or any other  
5 procedure intended to allow urine to exit the body absent a  
6 urethral opening.

7 *c. "Physician"* means a person licensed as a physician  
8 and surgeon or osteopathic physician and surgeon pursuant to  
9 chapter 148.

10 *d. "Treatment or intervention"* means, but is not limited to  
11 all of the following procedures:

12 (1) A clitorectomy, clitoroplasty, clitoral reduction, or  
13 clitoral recession, including corporal-sparing procedures.

14 (2) A gonadectomy, including of testes, ovaries, ovotestes,  
15 or streak gonads.

16 (3) Hypospadias surgery, relocation of the urethral meatus,  
17 or chordee release.

18 (4) A labiaplasty or labial reduction.

19 (5) A phalloplasty.

20 (6) A vaginoplasty, introitoplasty, vaginal  
21 exteriorization, or a partial or total urogenital sinus  
22 mobilization.

23 2. A physician shall not perform any treatment or  
24 intervention on the sex characteristics of an intersex minor,  
25 which is not medically necessary and can be deferred, until the  
26 intersex minor on whom the treatment or intervention is to be  
27 performed can provide informed consent. The best interest of  
28 the intersex minor shall be the paramount consideration.

29 3. *a.* Prior to performing any treatment or intervention  
30 on the sex characteristics of an intersex minor which is not  
31 medically necessary, a physician shall provide written and oral  
32 disclosure to the intersex minor and informed consent shall be  
33 obtained from the intersex minor as provided in this section.

34 *b.* The written and oral disclosure provided to the intersex  
35 minor by the physician shall be provided in nontechnical,

1 age-appropriate terms, and shall include all of the following:

2 (1) A description of the treatment or intervention to be  
3 performed, including any necessary health care management or  
4 long-term follow-up care to be expected following the treatment  
5 or intervention.

6 (2) A description of any attendant discomfort and risks to  
7 the intersex minor in the short term and long term, including  
8 but not limited to any irreparable or irreversible harm or  
9 limitations regarding future fertility or development or  
10 construction of female-typical or male-typical characteristics,  
11 which may reasonably be expected following the treatment or  
12 intervention.

13 (3) An explanation of any benefits that the intersex minor  
14 may reasonably expect following the treatment or intervention.

15 (4) An explanation of any appropriate alternative  
16 procedures, drugs, or devices, including any delay of the  
17 procedure, that might be advantageous to the intersex minor,  
18 and the relative risks and benefits of these alternatives.

19 (5) An offer to answer any inquiries concerning the  
20 treatment or intervention involved.

21 4. a. Following receipt of the written and oral disclosure  
22 provided by the physician described in subsection 3, and prior  
23 to the treatment or intervention being performed, the physician  
24 shall obtain informed consent to the treatment or intervention  
25 from the intersex minor, which shall comply with all of the  
26 following requirements:

27 (1) The consent shall be in writing and shall contain the  
28 following statement:

29 "I (name of intersex minor) do hereby consent to  
30 (description of treatment or intervention) to be performed by  
31 (name of physician) on (date that the treatment or intervention  
32 is to be performed on the intersex minor)."

33 (2) The written consent shall be signed by the intersex  
34 minor and by the physician who will perform the treatment or  
35 intervention.

1 (3) The written consent shall contain a notification to  
2 the intersex minor that the written consent is an important  
3 document that should be retained with other vital records.

4 *b.* The physician shall retain the original written consent  
5 in the medical record of the intersex minor and shall provide a  
6 copy of the written consent to the intersex minor.

7 *c.* If the treatment or intervention is performed in a  
8 hospital, the physician shall provide a copy of the written  
9 consent to the hospital.

10 5. This section shall not affect the obligation of a  
11 physician under any other existing law to obtain the informed  
12 consent of a patient before performing any other medical  
13 procedure on a patient, including those that may significantly  
14 affect the patient's reproductive health, fertility, or ability  
15 to conceive.

16 6. If a physician determines that it is medically  
17 necessary to perform a treatment or intervention on the sex  
18 characteristics of an intersex minor, and the physician is  
19 not able to obtain the informed consent of the intersex minor  
20 in accordance with this section, a physician may perform the  
21 medical procedure only if the physician provides the written  
22 and oral disclosure consistent with subsection 3 to the parent  
23 or guardian of the intersex minor, and the parent or guardian  
24 of the intersex minor provides written informed consent in a  
25 manner consistent with subsection 3.

26 7. The board of medicine shall adopt rules pursuant to  
27 chapter 17A to administer this section. The rules shall  
28 provide evidence-based protocols to guide physicians in  
29 ensuring that intersex minors and their parents are properly  
30 informed of all options and alternatives, that an intersex  
31 minor is to the greatest extent possible involved in the  
32 decision making about any treatment or intervention, that  
33 the intersex minor's choices are fully respected, and that  
34 any nonmedically necessary treatment or intervention is only  
35 performed with the full, free, and informed consent of the



1 under any other law to obtain the informed consent of a patient  
2 before performing a medical procedure on the patient, including  
3 those that may significantly affect the patient's reproductive  
4 health, fertility, or ability to conceive.

5 The bill provides that if a physician determines that it  
6 is medically necessary to perform a treatment or intervention  
7 on the sex characteristics of an intersex minor, and the  
8 physician is not able to obtain the informed consent of the  
9 intersex minor in accordance with the bill, the physician may  
10 perform the medical procedure only if the physician provides  
11 the written and oral disclosure to the parent or guardian of  
12 the intersex minor, and the parent or guardian of the intersex  
13 minor provides written informed consent in accordance with the  
14 bill.

15 The bill requires the board of medicine to adopt  
16 administrative rules to administer the bill. The rules  
17 shall provide evidence-based protocols to guide physicians in  
18 ensuring that intersex minors and their parents are properly  
19 informed of all options and alternatives, that an intersex  
20 minor is to the greatest extent possible involved in the  
21 decision making about any treatment or intervention, that  
22 the intersex minor's choices are fully respected, and that  
23 any nonmedically necessary treatment or intervention is only  
24 performed with the full, free, and informed consent of the  
25 intersex minor.