

**House File 327 - Introduced**

HOUSE FILE 327

BY SHIPLEY

**A BILL FOR**

1 An Act relating to treatment or intervention involving a minor  
2 diagnosed with gender dysphoria, and providing for licensee  
3 discipline and civil penalties.

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

1 Section 1. NEW SECTION. 147.163 Gender dysphoria — consent  
2 by parents or legal guardians to medical procedures — licensee  
3 discipline.

4 1. As used in this section:

5 a. "*Gender dysphoria*" means gender dysphoria as designated  
6 in the diagnostic and statistical manual of mental disorders,  
7 fifth edition.

8 b. "*Minor*" means a person during the period of minority as  
9 specified in section 599.1.

10 c. "*Physician*" means a person licensed as a physician  
11 and surgeon or osteopathic physician and surgeon pursuant to  
12 chapter 148.

13 d. "*Practitioner*" means a physician and surgeon or  
14 osteopathic physician and surgeon licensed under chapter 148  
15 who specializes in the practice of psychiatry; a psychologist  
16 licensed under chapter 154B; a licensed marital and family  
17 therapist or mental health counselor or a temporary licensed  
18 marital and family therapist or mental health counselor as  
19 defined in section 154D.1; a social worker licensed pursuant to  
20 chapter 154C; a licensed school counselor, school psychologist,  
21 or school social worker; an advanced registered nurse  
22 practitioner licensed pursuant to chapter 152 or an advanced  
23 practice registered nurse under chapter 152E; a practitioner  
24 as defined in section 272.1; a victim counselor as defined in  
25 section 915.20A; a psychiatric nurse; any other person who  
26 provides counseling or mental health or behavioral health  
27 services as a part of the person's professional training or  
28 practice under Iowa law or rule; or any student, intern,  
29 volunteer, or other person assisting or acting under the  
30 direction or guidance of any of these professionals.

31 2. a. A physician shall not perform any treatment or  
32 intervention on the sex characteristics of a minor diagnosed  
33 with gender dysphoria unless all of the following conditions  
34 are met:

35 (1) The physician provides written and oral disclosure

1 to all parents or legal guardians of the minor that informed  
2 consent must be obtained from all parents or legal guardians  
3 of the minor.

4 (2) The physician provides written and oral disclosure to  
5 all parents or legal guardians of the minor in nontechnical  
6 terms that include all of the following:

7 (a) A description of the treatment or intervention to be  
8 performed, including any necessary health care management or  
9 long-term follow-up care to be expected following the treatment  
10 or intervention.

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

17 (c) An explanation of any benefits that the minor may  
18 reasonably expect following the treatment or intervention.

19 (d) An explanation of any appropriate alternative  
20 procedures, drugs, or devices, including any delay of the  
21 procedure, that might be advantageous to the minor, and the  
22 relative risks and benefits of these alternatives.

23 (e) An offer to answer any inquiries concerning the  
24 treatment or intervention involved.

25 (3) The physician obtains the written consent of all  
26 parents or legal guardians of the minor prior to performing the  
27 treatment or intervention.

28 *b.* The physician shall retain the original written consent  
29 in the medical record of the minor and shall provide a copy of  
30 the written consent to all parents or legal guardians of the  
31 minor.

32 *c.* A physician who violates this subsection shall be subject  
33 to licensee discipline pursuant to section 148.6.

34 3. *a.* A practitioner who engages in discussions or  
35 counseling regarding gender dysphoria treatment or intervention

1 options with a minor shall fully and accurately disclose all  
2 known and documented adverse events relating to such treatment  
3 options.

4 *b.* A practitioner who violates this subsection is subject  
5 to suspension of the practitioner's license or other practice  
6 authorization for a minimum of three years and a civil penalty  
7 of twenty-five thousand dollars.

8 4. The board of medicine and any appropriate licensing  
9 entity or disciplinary authority with professional jurisdiction  
10 over a practitioner under this section shall adopt rules  
11 pursuant to chapter 17A to administer this section.

12 Sec. 2. CODE EDITOR DIRECTIVE. The Code editor shall create  
13 a new subchapter in chapter 147, codifying section 147.163,  
14 as enacted in this Act, as "Minors — gender dysphoria —  
15 treatment and intervention".

16 EXPLANATION

17 The inclusion of this explanation does not constitute agreement with  
18 the explanation's substance by the members of the general assembly.

19 This bill relates to treatment or intervention involving a  
20 minor diagnosed with gender dysphoria.

21 The bill includes definitions used in the bill including  
22 "gender dysphoria", "minor", "physician", and "practitioner".

23 The bill prohibits a physician from performing any treatment  
24 or intervention on the sex characteristics of a minor diagnosed  
25 with gender dysphoria unless the physician provides written  
26 and oral disclosure to all parents or legal guardians of the  
27 minor that informed consent must be obtained from all parents  
28 or legal guardians of the minor; provides written and oral  
29 disclosure to all parents or legal guardians of the minor in  
30 nontechnical terms that include a description of the treatment  
31 or intervention to be performed, a description of any attendant  
32 discomfort and risks to the minor in the short term and  
33 long term, an explanation of any benefits that the minor may  
34 reasonably expect following the treatment or intervention, an  
35 explanation of any appropriate alternative procedures, drugs,

1 or devices, and an offer to answer any inquiries concerning  
2 the treatment or intervention involved; and obtains written  
3 consent from all parents or legal guardians of the minor. The  
4 physician shall retain the original written consent in the  
5 medical record of the minor and shall provide a copy of the  
6 written consent to all parents or legal guardians of the minor.  
7 A physician who violates this provision of the bill is subject  
8 to licensee discipline which may include a civil penalty not to  
9 exceed \$10,000 pursuant to Code section 148.6.

10 The bill also provides that a practitioner who engages in  
11 discussions or counseling regarding gender dysphoria treatment  
12 or intervention options with a minor shall fully and accurately  
13 disclose all known and documented adverse events relating to  
14 such treatment or intervention options. A practitioner who  
15 violates this provision of the bill is subject to suspension of  
16 the practitioner's license or other practice authorization for  
17 a minimum of three years and a civil penalty of \$25,000.

18 The board of medicine and any appropriate licensing entity  
19 or disciplinary authority with professional jurisdiction over a  
20 practitioner under the bill shall adopt administrative rules  
21 to administer the bill.