

**House Study Bill 214 - Introduced**

HOUSE FILE \_\_\_\_\_  
BY (PROPOSED COMMITTEE  
ON JUDICIARY BILL BY  
CHAIRPERSON HOLT)

**A BILL FOR**

1 An Act relating to prohibited activities regarding gender  
2 transition procedures relative to minors, and including  
3 effective date and applicability provisions.  
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 147.164 Gender transition  
2 procedure-related activities — minors — prohibitions.

3 1. As used in this section:

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

6 b. "Health care professional" means a person who is  
7 licensed, certified, or otherwise authorized or permitted by  
8 the law of this state to administer health care in the ordinary  
9 course of business or in the practice of a profession.

10 c. "Minor" means an unemancipated person under eighteen  
11 years of age.

12 d. "Sex" means the biological indication of male and  
13 female, including sex chromosomes, naturally occurring sex  
14 hormones, gonads, and nonambiguous internal and external  
15 genitalia present at birth without regard to an individual's  
16 psychological, chosen, or subjective experience of gender.

17 2. a. Except as otherwise provided in paragraph "c", a  
18 health care professional shall not knowingly engage in or cause  
19 any of the following practices to be performed on a minor nor  
20 refer a minor to another health care professional to perform  
21 any of the following practices on a minor if the practice is  
22 performed for the purpose of attempting to alter the appearance  
23 of, or affirm the minor's perception of, the minor's gender or  
24 sex, if that appearance or perception is inconsistent with the  
25 minor's sex.

26 (1) Prescribing or administering gonadotropin-releasing  
27 hormone analogues or other synthetic drugs used to stop  
28 luteinizing hormone and follicle-stimulating hormone secretion,  
29 synthetic antiandrogen drugs used to block the androgen  
30 receptor, or any drug to suppress or delay normal puberty.

31 (2) Prescribing or administering testosterone, estrogen,  
32 or progesterone to a minor in an amount greater than would  
33 normally be produced endogenously in a healthy individual of  
34 that individual's age and sex.

35 (3) Performing surgeries that sterilize, including

1 castration, vasectomy, hysterectomy, oophorectomy, orchiectomy,  
2 and penectomy.

3 (4) Performing surgeries that artificially construct  
4 tissue with the appearance of genitalia that differs from the  
5 individual's sex, including metoidioplasty, phalloplasty, and  
6 vaginoplasty.

7 (5) Removing any healthy or nondiseased body part or tissue.

8 b. A health care professional shall not knowingly engage in  
9 conduct that aids or abets the practices described in paragraph  
10 "a". This paragraph shall not be construed to impose liability  
11 on any speech protected by federal or state law.

12 c. Paragraphs "a" and "b" do not apply to any of the  
13 following:

14 (1) Services provided to a minor born with a medically  
15 verifiable disorder of sex development, including a minor  
16 with external biological sex characteristics that are  
17 irresolvably ambiguous, such as a minor born with forty-six  
18 XX chromosomes with virilization, forty-six XY chromosomes  
19 with undervirilization, or having both ovarian and testicular  
20 tissue.

21 (2) Services provided to a minor who has otherwise  
22 been diagnosed with a disorder of sexual development by a  
23 physician, when the physician has determined through genetic  
24 or biochemical testing that the minor does not have a normal  
25 sex chromosome structure, sex steroid hormone production, or  
26 sex steroid hormone action for a biological male or biological  
27 female.

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

32 (4) Any procedure undertaken because a minor suffers from a  
33 physical disorder, physical injury, or physical illness that  
34 is certified by a physician and that would place the minor  
35 in imminent danger of death or impairment of a major bodily

1 function unless surgery is performed.

2 *d.* A violation of the prohibitions under paragraph "a" or  
3 "b" by a health care professional is considered unprofessional  
4 conduct and subject to licensee discipline by the appropriate  
5 licensing board or entity.

6 3. *a.* A person may assert an actual or threatened violation  
7 of this section as a claim or defense in a judicial or  
8 administrative proceeding and may obtain compensatory damages,  
9 injunctive relief, declaratory relief, or any other appropriate  
10 relief.

11 *b.* An action brought for a violation of this section shall  
12 be brought within two years after the cause of action accrues.  
13 However, a minor may bring an action during the minor's  
14 minority through a parent or legal guardian, and may bring an  
15 action in the minor's own name upon reaching majority and for  
16 twenty years after reaching majority.

17 *c.* Notwithstanding any other law to the contrary, an  
18 action under this section may be commenced, and relief may be  
19 granted, in a judicial proceeding without regard to whether the  
20 person commencing the action has sought or exhausted available  
21 administrative remedies. In an action or proceeding to  
22 enforce this section, a prevailing party may recover reasonable  
23 attorney fees.

24 *d.* The attorney general may bring an action to enforce this  
25 section.

26 *e.* Nothing in this section shall be construed to deny,  
27 impair, or otherwise affect any right or authority of the  
28 attorney general, the state, or any agency, officer, or  
29 employee of the state to institute or intervene in any  
30 proceeding.

31 Sec. 2. EFFECTIVE DATE. This Act, being deemed of immediate  
32 importance, takes effect upon enactment.

33 Sec. 3. APPLICABILITY. The following applies one hundred  
34 eighty days after the effective date of this Act:

35 The provisions of the section of this Act enacting section

1 147.164, subsection 2, that prohibit a health care professional  
2 from knowingly engaging in or causing certain practices to  
3 be performed on a minor if the practice is performed for the  
4 purpose of attempting to alter the appearance of, or affirm  
5 the minor's perception of, the minor's gender or sex, if that  
6 appearance or perception is inconsistent with the minor's sex.

7 EXPLANATION

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

10 This bill relates to prohibitions regarding gender  
11 transition procedure-related activities relating to minors.  
12 The bill provides definitions used in the bill including  
13 "gender", "health care professional", "minor", and "sex".  
14 The bill prohibits, with some exceptions, a health care  
15 professional from knowingly engaging in or causing specified  
16 practices to be performed on a minor or referring a minor  
17 to another health care professional to perform the specified  
18 practices if the practice is performed for the purpose of  
19 attempting to alter the appearance of, or affirm the minor's  
20 perception of, the minor's gender or sex, if that appearance  
21 or perception is inconsistent with the minor's sex. These  
22 prohibited practices include prescribing or administering  
23 gonadotropin-releasing hormone analogues or other synthetic  
24 drugs used to stop luteinizing hormone and follicle-stimulating  
25 hormone secretion, synthetic antiandrogen drugs used to block  
26 the androgen receptor, or any drug to suppress or delay normal  
27 puberty; prescribing or administering testosterone, estrogen,  
28 or progesterone to a minor in an amount greater than would  
29 normally be produced endogenously in a healthy individual  
30 of that individual's age and sex; performing surgeries that  
31 sterilize, including castration, vasectomy, hysterectomy,  
32 oophorectomy, orchiectomy, and penectomy; performing surgeries  
33 that artificially construct tissue with the appearance of  
34 genitalia that differs from the individual's sex, including  
35 metoidioplasty, phalloplasty, and vaginoplasty; and removing

1 any healthy or nondiseased body part or tissue.

2 The bill also prohibits a health care professional from  
3 knowingly engaging in conduct that aids or abets the specified  
4 prohibited practices. However, this prohibition is not to  
5 be construed to impose liability on any speech protected by  
6 federal or state law.

7 The bill specifies services to which the prohibitions  
8 of the bill do not apply including: services provided to  
9 a minor born with a medically verifiable disorder of sex  
10 development, including a minor with external biological sex  
11 characteristics that are irresolvably ambiguous, such as a  
12 minor born with 46 XX chromosomes with virilization, 46 XY  
13 chromosomes with undervirilization, or having both ovarian  
14 and testicular tissue; services provided to a minor who has  
15 otherwise been diagnosed with a disorder of sexual development  
16 by a physician, when the physician has determined through  
17 genetic or biochemical testing that the minor does not have  
18 a normal sex chromosome structure, sex steroid hormone  
19 production, or sex steroid hormone action for a biological male  
20 or biological female; the treatment of any infection, injury,  
21 disease, or disorder that has been caused or exacerbated by  
22 the performance of gender transition procedures, whether or  
23 not the procedures were performed in accordance with state and  
24 federal law; any procedure undertaken because a minor suffers  
25 from a physical disorder, physical injury, or physical illness  
26 that is certified by a physician and that would place the minor  
27 in imminent danger of death or impairment of a major bodily  
28 function unless surgery is performed.

29 A violation of the prohibitions under the bill by a health  
30 care professional is considered unprofessional conduct and  
31 subject to licensee discipline by the appropriate licensing  
32 board or entity.

33 The bill provides that a person may assert an actual  
34 or threatened violation of the bill as a claim or defense  
35 in a judicial or administrative proceeding and may obtain

1 compensatory damages, injunctive relief, declaratory relief, or  
2 any other appropriate relief. An action for a violation of the  
3 bill must be brought within two years after the cause of action  
4 accrues. However, a minor may bring an action during the  
5 minor's minority through a parent or legal guardian, and may  
6 bring an action in the minor's own name upon reaching majority  
7 and for 20 years after reaching majority.

8 An action may be commenced, and relief may be granted, in  
9 a judicial proceeding without regard to whether the person  
10 has sought or exhausted available administrative remedies. A  
11 prevailing party may recover reasonable attorney fees in an  
12 action brought under the bill.

13 The attorney general may bring an action to enforce the bill.  
14 The bill is not to be construed to deny, impair, or otherwise  
15 affect any right or authority of the attorney general, the  
16 state, or any agency, officer, or employee of the state to  
17 institute or intervene in any proceeding.

18 The bill takes effect upon enactment.

19 The provisions of the bill prohibiting certain practices  
20 by a health care professional performed on a minor if the  
21 practice is performed for the purpose of attempting to alter  
22 the appearance of, or affirm the minor's perception of, the  
23 minor's gender or sex, if that appearance or perception is  
24 inconsistent with the minor's sex, are applicable 180 days  
25 after the effective date of the bill.