

Senate File 110 - Introduced

SENATE FILE 110

BY SALMON, EVANS, ALONS,
GREEN, WESTRICH, J. TAYLOR,
GUTH, DE WITT, and ROWLEY

A BILL FOR

1 An Act relating to gender-transition procedures, and including
2 effective date provisions.

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

1 Section 1. NEW SECTION. 144H.1 Definitions.

2 As used in this chapter, unless the context otherwise
3 requires:

4 1. "*Biological sex*" means the genetic classification of an
5 individual as male or female, as reflected in the organization
6 of the body of the individual for a reproductive role or
7 capacity, such as through sex chromosomes, naturally occurring
8 sex hormones, and internal and external genitalia present at
9 birth, without regard to the subjective sense of identity of
10 the individual.

11 2. a. "*Gender-transition procedure*" means any of the
12 following:

13 (1) The prescription or administration of puberty-blocking
14 drugs for the purpose of changing the body of an individual
15 so that it conforms to the subjective sense of identity of
16 the individual, in the case such identity is at odds with the
17 individual's biological sex.

18 (2) The prescription or administration of cross-sex
19 hormones for the purpose of changing the body of an individual
20 so that it conforms to the subjective sense of identity of
21 the individual, in the case such identity is at odds with the
22 individual's biological sex.

23 (3) A surgery to change the body of an individual so that it
24 conforms to the subjective sense of identity of the individual,
25 in the case such identity is at odds with the individual's
26 biological sex.

27 b. "*Gender-transition procedure*" does not include an
28 intervention described in paragraph "a" that is performed in any
29 of the following circumstances:

30 (1) On an individual with biological sex characteristics
31 that are inherently ambiguous, such as those born with
32 forty-six XX chromosomes with virilization, with forty-six XY
33 chromosomes with undervirilization, or having both ovarian
34 and testicular tissue or an individual with respect to whom
35 a medical practitioner has determined through genetic or

1 biochemical testing that the individual does not have normal
2 sex chromosome structure, sex steroid hormone production, or
3 sex steroid hormone action, for a biological male or biological
4 female.

5 (2) For the treatment of any infection, injury, disease, or
6 disorder that has been caused or exacerbated by the performance
7 of an intervention described in paragraph "a" without regard to
8 whether the intervention was performed in accordance with state
9 or federal law or whether the intervention is covered by the
10 private right of action under section 144H.2.

11 (3) Using any procedure undertaken because the individual
12 suffers from a physical disorder, physical injury, or physical
13 illness that would, as certified by a medical practitioner,
14 place the individual in imminent danger of death or impairment
15 of major bodily function unless the procedure is performed.

16 3. "*Medical practitioner*" means a person who is licensed,
17 certified, or otherwise authorized by the laws of a state to
18 administer health care in the ordinary course of the practice
19 of the person's profession.

20 Sec. 2. NEW SECTION. 144H.2 **Private right of action for**
21 **gender-transition procedure performed on minor.**

22 1. A medical practitioner who performs a gender-transition
23 procedure in this state on an individual who is less than
24 eighteen years of age shall, as described in subsection 2, be
25 liable to the individual if injured, including any physical,
26 psychological, emotional, or physiological harms, by such
27 procedure, related treatment, or subsequent effects of the
28 procedure or treatment.

29 2. An individual covered by subsection 1, who receives a
30 gender-transition procedure from a medical practitioner, or
31 the individual's representative, including a legal guardian,
32 on behalf of such individual, may, not later than the day
33 that is thirty years after the date on which the individual
34 turns eighteen years of age, bring a civil action against such
35 medical practitioner in a court of competent jurisdiction

1 for declaratory or injunctive relief, compensatory damages,
2 punitive damages, and attorney fees and costs.

3 Sec. 3. NEW SECTION. **144H.3 Performance not required.**

4 Notwithstanding any other provision of law to the contrary,
5 no provision of state law shall require, or be construed to
6 require, a medical practitioner to perform a gender-transition
7 procedure.

8 Sec. 4. NEW SECTION. **144H.4 Prohibition on funding.**

9 Notwithstanding any other provision of law to the contrary,
10 any medical practitioner that performs any gender-transition
11 procedure on an individual in this state shall be ineligible
12 to receive any funding from the department of health and human
13 services.

14 Sec. 5. EFFECTIVE DATE. This Act, being deemed of immediate
15 importance, takes effect upon enactment.

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 creates a private right of action for
20 gender-transition procedures performed on a minor. The
21 bill provides that a medical practitioner who performs a
22 gender-transition procedure in this state on an individual who
23 is less than 18 years of age shall be liable to the individual
24 if injured, including any physical, psychological, emotional,
25 or physiological harms, by such procedure, related treatment,
26 or subsequent effects of the procedure or treatment. An
27 individual who receives a gender-transition procedure from
28 a medical practitioner, or the individual's representative,
29 has 30 years after the date the individual turned 18 years of
30 age to bring a civil action against such medical practitioner
31 for declaratory or injunctive relief, compensatory damages,
32 punitive damages, and attorney fees and costs.

33 The bill provides that no state law shall require a medical
34 practitioner to perform a gender-transition procedure and that
35 any medical practitioner that performs a gender-transition

S.F. 110

1 procedure on an individual in this state shall be ineligible
2 to receive any funding from the department of health and human
3 services.

4 The bill takes effect upon enactment.