SB219

205384-5

By Senators Shelnutt, McClendon and Allen

RFD: Healthcare

First Read: 20-FEB-20
Relating to public health; to prohibit the
performance of a medical procedure or the prescription or
issuance of medication, upon or to a minor child, that is
intended to alter the minor child's gender or delay puberty;
to provide for exceptions; to provide for disclosure of
certain information concerning students to parents by schools;
and to establish criminal penalties for violations; and in
connection therewith would have as its purpose or effect the
requirement of a new or increased expenditure of local funds
within the meaning of Amendment 621 of the Constitution of
Alabama of 1901, now appearing as Section 111.05 of the
Official Recompilation of the Constitution of Alabama of 1901,
as amended.

BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

Section 1. This act shall be known and may be cited
as the Alabama Vulnerable Child Compassion and Protection Act
(V-CAP).
Section 2. The Legislature finds as follows:

(1) The long-term effects and safety of the administration of puberty-blocking medications and cross sex hormones to gender incongruent children have not been rigorously studied. Absent rigorous studies showing their long-term safety and positive benefits, their continued administration to children constitutes dangerous and uncontrolled human medical experimentation that may result in grave and irreversible consequences to their physical and mental health.

(2) Studies have shown that a substantial majority of pre-pubescent children who claim a gender identity different from their biological sex will ultimately identify with their biological sex by young adulthood or sooner when supported through their natural puberty. There is no psychological or medical test that can differentiate between the majority of children who will desist from their gender incongruence and the minority who will not. Research suggests that the administration of puberty-blocking medications or cross-sex hormones forecloses the possibility of a natural recovery from this condition.

(3) There are no rigorous studies that show that gender changing therapies performed on children, including the administration of puberty blocking medications, the administration of opposite sex hormones, or surgeries intended to approximate the appearance of the opposite sex have any long term beneficial effect, including a reduction in suicide
risk. To the contrary, such interventions carry elevated risks for sterility, loss of sexual function, bone fractures, thromboembolic and cardiovascular disease, malignancy, and may even contribute to mental illness and suicide.

(4) The continued performing of these therapies upon children constitutes a public health risk.

(5) The police power of the state is held to embrace reasonable regulations to protect the public health. That authority over children is broader than that over adults. Jacobson v. Massachusetts, 197 U.S. 11 (1905); Prince v. Massachusetts, 321 U.S. 158 (1944).

Section 3. For the purposes of this act, the following terms shall have the following meanings:

(1) MINOR. The same meaning as in Section 43-8-1, Code of Alabama 1975.

(2) PERSON. Includes any of the following:

a. Any individual.

b. Any agent, employee, official, or contractor of any legal entity.

c. Any agent, employee, official, or contractor of a school district or the state or any of its political subdivisions or agencies.

(3) SEX. The biological state of being male or female, based on the individual's sex organs, chromosomes, and endogenous hormone profiles.

Section 4. (a) Except as provided in subsection (b), no person shall engage in, counsel, or make a referral for any
of the following practices upon a minor, and no person shall
cause any of the practices in this subsection to be performed
upon a minor if the practice is performed for the purpose of
attempting to affirm the minor's perception of his or her
gender or sex, if that perception is inconsistent with the
minor's biological sex as defined in this act:

(1) Prescribing, dispensing, administering, or
otherwise supplying puberty blocking medication to stop or
delay normal puberty.

(2) Prescribing, dispensing, administering, or
otherwise supplying supraphysiologic doses of testosterone or
other androgens to females.

(3) Prescribing, dispensing, administering, or
otherwise supplying supraphysiologic doses of estrogen to
males.

(4) Performing surgeries that sterilize, including
castration, vasectomy, hysterectomy, oophorectomy,
orchiectomy, and penectomy.

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

(6) Removing any healthy or non-diseased body part
or tissue.

(b) Subsection (a) does not apply to a procedure
undertaken to treat a minor born with a medically verifiable
disorder of sex development, including either of the following:

(1) An individual born with external biological sex characteristics that are irresolvably ambiguous, including an individual born with 46 XX chromosomes with virilization, 46 XY chromosomes with under virilization, or having both ovarian and testicular tissue.

(2) An individual whom a physician has otherwise diagnosed with a disorder of sexual development, in which the physician has determined through genetic or biochemical testing that the person does not have normal sex chromosome structure, sex steroid hormone production, or sex steroid hormone action for a male or female.

(c) A violation of this section is a Class C felony.

Section 5. No nurse, counselor, teacher, principal, or other administrative official at a public or private school attended by a minor shall do either of the following:

(1) Encourage or coerce a minor to withhold from the minor's parent or legal guardian the fact that the minor's perception of his or her gender or sex is inconsistent with the minor's sex.

(2) Withhold from a minor's parent or legal guardian information related to a minor's perception that his or her gender or sex is inconsistent with his or her sex.

Section 6. Nothing in this section shall be construed to establish a new or separate standard of care for hospitals or physicians and their patients or otherwise
modify, amend, or supersede any provision of the Alabama Medical Liability Act of 1987 or the Alabama Medical Liability Act of 1996, or any amendment or judicial interpretation of either act.

Section 7. If any part, section, or subsection of this act or the application thereof to any person or circumstances is held invalid, the invalidity shall not affect parts, sections, subsections, or applications of this act that can be given effect without the invalid part, section, subsection, or application.

Section 8. Although this bill would have as its purpose or effect the requirement of a new or increased expenditure of local funds, the bill is excluded from further requirements and application under Amendment 621, now appearing as Section 111.05 of the Official Recompilation of the Constitution of Alabama of 1901, as amended, because the bill defines a new crime or amends the definition of an existing crime.

Section 9. This act shall become effective 30 days following its passage and approval by the Governor, or its otherwise becoming law.
Senate

Read for the first time and referred to the Senate committee on Healthcare............................... 20-FEB-20

Reported from Healthcare as Favorable with 1 amendment..................................................

Read for the third time and passed as amended ....

Yeas 22
Nays 3

Patrick Harris,
Secretary.