

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Committee Substitute

for

House Bill 2007

By Delegates Foster, Chiarelli, Horst, Clark, DeVault,
Coop-Gonzalez, Brooks, Kirby, Maynor, Adkins, and
Ward

[Introduced January 12, 2023; Referred to the
Committee on Health and Human Resources then the
Judiciary]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
2 designated §30-3-20; and to amend said code by adding thereto a new section, designated
3 §30-14-17, all relating to prohibiting certain medical practices; providing definitions;
4 providing that allopathic and osteopathic physicians may not provide irreversible gender
5 reassignment surgery or gender altering medication as defined herein to a person who is
6 under eighteen years of age; and providing criteria for certain limited exceptions to this
7 rule.

Be it enacted by the Legislature of West Virginia:

ARTICLE 3. WEST VIRGINIA MEDICAL PRACTICE ACT.

§30-3-20. Prohibited practice.

1 (a) For the purposes of this section:

2 "Biological sex" means the biological indication of male and female in the context of
3 reproductive potential or capacity, such as sex chromosomes, naturally occurring sex hormones,
4 gonads, and nonambiguous internal and external genitalia present at birth, without regard to an
5 individual's psychological, chosen, or subjective experience or gender.

6 "Gender" means the psychological, behavioral, social and cultural aspects of being male
7 or female.

8 "Gender altering medication" means the prescribing or administering of the following for
9 the purpose of assisting an individual with a gender transition:

10 (1) Puberty blocking medication to stop or delay normal puberty;

11 (2) Supraphysiologic doses of testosterone or other androgens to females; and

12 (3) Supraphysiologic doses of estrogen to males.

13 "Gender transition" means the process in which a person goes from identifying with and
14 living as a gender that corresponds to the person's biological sex to identifying with and living as a
15 gender different from the person biological sex and may involve social, legal, or physical changes.

"Irreversible gender reassignment surgery" means a medical procedure performed for the purpose of assisting an individual with a gender transition, including any of the following:

(1) Penectomy, orchiectomy, vaginoplasty, clitoroplasty, or vulvoplasty for biologically male patients or hysterectomy or ovariectomy for biologically female patients;

(2) Metoidioplasty, phalloplasty, vaginectomy, scrotoplasty, or implantation of erection or testicular prostheses for biologically female patients; and

(3) Augmentation mammoplasty for biological male patient and subcutaneous mastectomy for female patients.

(b) Except as otherwise provided in §30-3-20(c), a physician may not provide irreversible gender reassignment surgery or gender altering medication to a person who is under eighteen years of age.

(c) A physician may provide any of the following to a person who is under 18 years of age:

(1) Services provided to an individual born with a medically verifiable disorder of sex development, including, but not limited to, a person with external biological sex characteristics that are irresolvably ambiguous, such as an individual born with forty-six xx chromosomes with virilization, forty-six xy chromosomes with undervirilization, or having both ovarian and testicular tissue;

(2) Services provided to an individual when a physician has otherwise diagnosed a disorder of sexual development and in which the physician has determined through genetic or biochemical testing that the individual does not have normal sex chromosome structure, sex steroid hormone production, or sex steroid hormone action;

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

(4) Any procedure undertaken because the individual suffers from a physical disorder, physical injury, or physical illness that would, as certified by a physician, place the person in imminent danger of death, or impairment of a major bodily function unless surgery is performed.

ARTICLE 14. OSTEOPATHIC PHYSICIANS AND SURGEONS.

§30-14-17. Prohibited practice.

(a) For the purposes of this section:

"Biological sex" means the biological indication of male and female in the context of reproductive potential or capacity, such as sex chromosomes, naturally occurring sex hormones, gonads, and nonambiguous internal and external genitalia present at birth, without regard to an individual's psychological, chosen, or subjective experience or gender.

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

“Gender altering medication” means the prescribing or administering of the following for
the purpose of assisting an individual with a gender transition:

(1) Puberty blocking medication to stop or delay normal puberty;

(2) Supraphysiologic doses of testosterone or other androgens to females; and

(3) Supraphysiologic doses of estrogen to males.

"Gender transition" means the process in which a person goes from identifying with and living as a gender that corresponds to the person's biological sex to identifying with and living as a gender different from the person biological sex and may involve social, legal, or physical changes.

"Irreversible gender reassignment surgery" means a medical procedure performed for the purpose of assisting an individual with a gender transition, including any of the following:

(1) Penectomy, orchiectomy, vaginoplasty, clitoroplasty, or vulvoplasty for biologically male
patients or hysterectomy or ovariectomy for biologically female patients;

(2) Metoidioplasty, phalloplasty, vaginectomy, scrotoplasty, or implantation of erection or
testicular prostheses for biologically female patients; and

22 (3) Augmentation mammoplasty for biological male patient and subcutaneous mastectomy
23 for female patients.

24 (b) Except as otherwise provided in §30-14-17(c), a physician may not provide irreversible
25 gender reassignment surgery or gender altering medication to a person who is under eighteen
26 years of age.

27 (c) A physician may provide any of the following to a person who is under 18 years of age:

28 (1) Services provided to an individual born with a medically verifiable disorder of sex
29 development, including, but not limited to, a person with external biological sex characteristics that
30 are irresolvably ambiguous, such as an individual born with forty-six xx chromosomes with
31 virilization, forty-six xy chromosomes with undervirilization, or having both ovarian and testicular
32 tissue;

33 (2) Services provided to an individual when a physician has otherwise diagnosed a
34 disorder of sexual development and in which the physician has determined through genetic or
35 biochemical testing that the individual does not have normal sex chromosome structure, sex
36 steroid hormone production, or sex steroid hormone action;

37 (3) The treatment of any infection, injury, disease, or disorder that has been caused by or
38 exacerbated by the performance of gender transition procedures, whether or not these
39 procedures were performed in accordance with state and federal law; and

40 (4) Any procedure undertaken because the individual suffers from a physical disorder,
41 physical injury, or physical illness that would, as certified by a physician, place the person in
42 imminent danger of death, or impairment of a major bodily function unless surgery is performed.

NOTE: The purpose of this bill is to prohibit certain medical practices.

Strike-throughs indicate language that would be stricken from a heading or the present law
and underscoring indicates new language that would be added.