

SENATE AMENDMENT NO. _____

TO

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Offered by _____ of _____

Amend SA to SS/SCS/Senate Bill Nos. 1168 & 810, Page 2, Section _____, Line 42,

2 by inserting after "and" the following:

3 "Further amend said bill, page 2, section 188.220, line
4 18, by inserting after all of said line the following:

5 "191.1720. 1. This section shall be known and may be
6 cited as the "Missouri Save Adolescents from Experimentation
7 (SAFE) Act".

8 2. For purposes of this section, the following terms
9 mean:

10 (1) "Biological sex", the biological indication of
11 male or female in the context of reproductive potential or
12 capacity, such as sex chromosomes, naturally occurring sex
13 hormones, gonads, and nonambiguous internal and external
14 genitalia present at birth, without regard to an
15 individual's psychological, chosen, or subjective experience
16 of gender;

17 (2) "Cross-sex hormones", testosterone, estrogen, or
18 other androgens given to an individual in amounts that are
19 greater or more potent than would normally occur naturally
20 in a healthy individual of the same age and sex;

21 (3) "Gender", the psychological, behavioral, social,
22 and cultural aspects of being male or female;

23 (4) "Gender transition", the process in which an
24 individual transitions from identifying with and living as a
25 gender that corresponds to his or her biological sex to
26 identifying with and living as a gender different from his
27 or her biological sex, and may involve social, legal, or
28 physical changes;

29 (5) "Gender transition surgery", a surgical procedure
30 performed for the purpose of assisting an individual with a
31 gender transition, including, but not limited to:

32 (a) Surgical procedures that sterilize, including, but
33 not limited to, castration, vasectomy, hysterectomy,
34 oophorectomy, orchiectomy, or penectomy;

35 (b) Surgical procedures that artificially construct
36 tissue with the appearance of genitalia that differs from
37 the individual's biological sex, including, but not limited
38 to, metoidioplasty, phalloplasty, or vaginoplasty; or

39 (c) Augmentation mammoplasty or subcutaneous
40 mastectomy;

41 (6) "Health care provider", an individual who is
42 licensed, certified, or otherwise authorized by the laws of
43 this state to administer health care in the ordinary course
44 of the practice of his or her profession;

45 (7) "Puberty-blocking drugs", gonadotropin-releasing
46 hormone analogues or other synthetic drugs used to stop
47 luteinizing hormone secretion and follicle stimulating
48 hormone secretion, synthetic antiandrogen drugs to block the
49 androgen receptor, or any other drug used to delay or
50 suppress pubertal development in children for the purpose of
51 assisting an individual with a gender transition.

52 3. A health care provider shall not knowingly perform
53 a gender transition surgery on any individual under eighteen
54 years of age.

55 4. (1) A health care provider shall not knowingly
56 prescribe or administer cross-sex hormones or puberty-
57 blocking drugs for the purpose of a gender transition for
58 any individual under eighteen years of age.

59 (2) The provisions of this subsection shall not apply
60 to the prescription or administration of cross-sex hormones
61 or puberty-blocking drugs for any individual under eighteen
62 years of age who was prescribed or administered such
63 hormones or drugs prior to August 28, 2023, for the purpose
64 of assisting the individual with a gender transition.

65 [(3) The provisions of this subsection shall expire on
66 August 28, 2027.]

67 5. The performance of a gender transition surgery or
68 the prescription or administration of cross-sex hormones or
69 puberty-blocking drugs to an individual under eighteen years
70 of age in violation of this section shall be considered
71 unprofessional conduct and any health care provider doing so
72 shall have his or her license to practice revoked by the
73 appropriate licensing entity or disciplinary review board
74 with competent jurisdiction in this state.

75 6. (1) The prescription or administration of cross-
76 sex hormones or puberty-blocking drugs to an individual
77 under eighteen years of age for the purpose of a gender
78 transition shall be considered grounds for a cause of action
79 against the health care provider. The provisions of chapter
80 538 shall not apply to any action brought under this
81 subsection.

82 (2) An action brought pursuant to this subsection
83 shall be brought within fifteen years of the individual
84 injured attaining the age of twenty-one or of the date the
85 treatment of the injury at issue in the action by the
86 defendant has ceased, whichever is later.

87 (3) An individual bringing an action under this
88 subsection shall be entitled to a rebuttable presumption
89 that the individual was harmed if the individual is
90 infertile following the prescription or administration of
91 cross-sex hormones or puberty-blocking drugs and that the
92 harm was a direct result of the hormones or drugs prescribed
93 or administered by the health care provider. Such
94 presumption may be rebutted only by clear and convincing
95 evidence.

96 (4) In any action brought pursuant to this subsection,
97 a plaintiff may recover economic and noneconomic damages and
98 punitive damages, without limitation to the amount and no
99 less than five hundred thousand dollars in the aggregate.
100 The judgment against a defendant in an action brought
101 pursuant to this subsection shall be in an amount of three
102 times the amount of any economic and noneconomic damages or
103 punitive damages assessed. Any award of damages in an
104 action brought pursuant to this subsection to a prevailing
105 plaintiff shall include attorney's fees and court costs.

106 (5) An action brought pursuant to this subsection may
107 be brought in any circuit court of this state.

108 (6) No health care provider shall require a waiver of
109 the right to bring an action pursuant to this subsection as
110 a condition of services. The right to bring an action by or
111 through an individual under the age of eighteen shall not be
112 waived by a parent or legal guardian.

113 (7) A plaintiff to an action brought under this
114 subsection may enter into a voluntary agreement of
115 settlement or compromise of the action, but no agreement
116 shall be valid until approved by the court. No agreement
117 allowed by the court shall include a provision regarding the
118 nondisclosure or confidentiality of the terms of such

119 agreement unless such provision was specifically requested
120 and agreed to by the plaintiff.

121 (8) If requested by the plaintiff, any pleadings,
122 attachments, or exhibits filed with the court in any action
123 brought pursuant to this subsection, as well as any
124 judgments issued by the court in such actions, shall not
125 include the personal identifying information of the
126 plaintiff. Such information shall be provided in a
127 confidential information filing sheet contemporaneously
128 filed with the court or entered by the court, which shall
129 not be subject to public inspection or availability.

130 7. The provisions of this section shall not apply to
131 any speech protected by the First Amendment of the United
132 States Constitution.

133 8. The provisions of this section shall not apply to
134 the following:

135 (1) Services to individuals born with a medically-
136 verifiable disorder of sex development, including, but not
137 limited to, an individual with external biological sex
138 characteristics that are irresolvably ambiguous, such as
139 those born with 46,XX chromosomes with virilization, 46,XY
140 chromosomes with undervirilization, or having both ovarian
141 and testicular tissue;

142 (2) Services provided when a physician has otherwise
143 diagnosed an individual with a disorder of sex development
144 and determined through genetic or biochemical testing that
145 the individual does not have normal sex chromosome
146 structure, sex steroid hormone production, or sex steroid
147 hormone action;

148 (3) The treatment of any infection, injury, disease,
149 or disorder that has been caused by or exacerbated by the
150 performance of gender transition surgery or the prescription
151 or administration of cross-sex hormones or puberty-blocking

152 drugs regardless of whether the surgery was performed or the
153 hormones or drugs were prescribed or administered in
154 accordance with state and federal law; or

155 (4) Any procedure undertaken because the individual
156 suffers from a physical disorder, physical injury, or
157 physical illness that would, as certified by a physician,
158 place the individual in imminent danger of death or
159 impairment of a major bodily function unless surgery is
160 performed."; and".