

SENATE BILL NO. 598

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR BRATTIN.

2176S.01H

KRISTINA MARTIN, Secretary

AN ACT

To amend chapter 191, RSMo, by adding thereto seven new sections relating to gender transition procedures, with a delayed effective date.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapter 191, RSMo, is amended by adding thereto
2 seven new sections, to be known as sections 191.1720, 191.1725,
3 191.1730, 191.1735, 191.1740, 191.1742, and 191.1745, to read
4 as follows:

191.1720. Sections 191.1720 to 191.1745 shall be known
2 and may be cited as the "Missouri Child and Adolescent
3 Protection (MCAP) Act".

191.1725. For purposes of sections 191.1720 to
2 191.1745, the following terms mean:

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

10 (2) "Cross-sex hormones":

11 (a) Testosterone or other androgens given to
12 biological sex females in amounts that are larger or more
13 potent than would normally occur naturally in healthy
14 biological sex females; and

15 (b) Estrogen given to biological sex males in amounts
16 that are larger or more potent than would normally occur
17 naturally in healthy biological sex males;

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

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

26 (5) "Gender transition procedure":

27 (a) Any medical or surgical service, including, but
28 not limited to, physician's services, inpatient and
29 outpatient hospital services, or prescribed drugs, related
30 to gender transition that seeks to:

31 a. Alter or remove physical or anatomical
32 characteristics or features that are typical for the
33 individual's biological sex; or

34 b. Instill or create physiological or anatomical
35 characteristics that resemble a sex different from the
36 individual's biological sex, including, but not limited to:

37 (i) Medical services that provide puberty-blocking
38 drugs, cross-sex hormones, or other mechanisms to promote
39 the development of features commonly associated with members
40 of the opposite sex; or

41 (ii) Genital or nongenital gender reassignment surgery
42 performed for the purpose of assisting an individual with a
43 gender transition;

44 (b) The term "gender transition procedure" shall not
45 include:

46 a. Services to individuals born with a medically
47 verifiable disorder of sex development, including, but not
48 limited to, an individual with external biological sex
49 characteristics that are irresolvably ambiguous, such as
50 those born with 46,XX chromosomes with virilization, 46,XY
51 chromosomes with undervirilization, or having both ovarian
52 and testicular tissue;

53 b. Services provided when a physician has otherwise
54 diagnosed an individual with a disorder of sex development
55 and determined through genetic or biochemical testing that
56 the individual does not have normal sex chromosome
57 structure, sex steroid hormone production, or sex steroid
58 hormone action;

59 c. The treatment of any infection, injury, disease, or
60 disorder that has been caused by or exacerbated by the
61 performance of gender transition procedures regardless of
62 whether the gender transition procedure was performed in
63 accordance with state and federal law; or

64 d. Any procedure undertaken because the individual
65 suffers from a physical disorder, physical injury, or
66 physical illness that would, as certified by a physician,
67 place the individual in imminent danger of death or
68 impairment of a major bodily function unless surgery is
69 performed;

70 (6) "Genital gender reassignment surgery", a medical
71 procedure performed for the purpose of assisting an
72 individual with a gender transition, including, but not
73 limited to:

74 (a) Surgical procedures such as penectomy,
75 orchiectomy, vaginoplasty, clitoroplasty, or vulvoplasty for
76 biologically male patients or hysterectomy or ovariectomy
77 for biologically female patients;

78 (b) Reconstruction of the fixed part of the urethra
79 with or without a metoidioplasty; or

80 (c) Phalloplasty, vaginectomy, scrotoplasty, or
81 implantation of erection or testicular prostheses for
82 biologically female patients;

83 (7) "Health care provider", an individual who is
84 licensed, certified, or otherwise authorized by the laws of
85 this state to administer health care in the ordinary course
86 of the practice of his or her profession, including mental
87 health care providers;

88 (8) "Nongenital gender reassignment surgery", a
89 medical procedure performed for the purpose of assisting an
90 individual with a gender transition, including, but not
91 limited to:

92 (a) Surgical procedures for biologically male
93 patients, such as augmentation mammoplasty, facial
94 feminization surgery, liposuction, lipofilling, voice
95 surgery, thyroid cartilage reduction, gluteal augmentation,
96 hair reconstruction, or various aesthetic procedures; or

97 (b) Surgical procedures for biologically female
98 patients, such as subcutaneous mastectomy, voice surgery,
99 liposuction, lipofilling, pectoral implants, or various
100 aesthetic procedures;

101 (9) "Physician", an individual who is licensed as a
102 physician under chapter 334;

103 (10) "Puberty-blocking drugs", gonadotropin-releasing
104 hormone analogues or other synthetic drugs used in
105 biological sex males to stop luteinizing hormone secretion
106 and therefore testosterone secretion, or synthetic drugs
107 used in biological sex females that stop the production of
108 estrogens and progesterone, when used to delay or suppress

109 pubertal development in children for the purpose of
110 assisting an individual with a gender transition;

111 (11) "Public funds", any funds received or controlled
112 by this state or any agency or political subdivision
113 thereof, including, but not limited to, funds derived from
114 federal, state or local taxes, gifts or grants from any
115 source, public or private, federal grants or payments, or
116 intergovernmental transfers.

191.1730. A physician or other health care provider
2 shall not knowingly provide gender transition procedures to
3 any individual under eighteen years of age and shall not
4 refer any individual under eighteen years of age to any
5 health care provider for gender transition procedures.

191.1735. 1. Public funds shall not be directly or
2 indirectly used, granted, paid, or distributed to any
3 individual, entity, or organization that provides gender
4 transition procedures to an individual under eighteen years
5 of age.

2. The MO HealthNet program shall not reimburse or
7 provide coverage for gender transition procedures to an
8 individual under eighteen years of age.

9 3. The provisions of this section shall not apply to
10 any speech protected by the First Amendment of the United
11 States Constitution.

191.1740. Any referral for or provision of gender
2 transition procedures to an individual under eighteen years
3 of age shall be considered unprofessional conduct and any
4 health care provider doing so may be subject to discipline
5 by the appropriate licensing entity or disciplinary review
6 board with competent jurisdiction in this state.

191.1742. Sections 191.1720 to 191.1745 shall not
2 apply to the provision of cross-sex hormones to any

3 individual under eighteen years of age who was prescribed
4 cross-sex hormones before January 1, 2024, to treat an
5 inconsistency between the individual's biological sex and
6 the individual's perceived gender or perceived sex.

191.1745. 1. The provision of a gender transition
2 procedure to an individual under eighteen years of age in
3 violation of sections 191.1720 to 191.1745 shall be
4 considered grounds for a cause of action against the
5 physician or health care provider.

6 2. The provisions of chapter 538 shall not apply to
7 any action brought under this section.

8 3. (1) An individual under eighteen years of age may
9 bring an action under this section throughout the
10 individual's minority through a parent or next friend and
11 may bring an action under this section in the individual's
12 own name upon reaching the age of majority at any time from
13 that point until twenty years after reaching the age of
14 majority or four years from the time of discovery by the
15 injured party of both the injury and the causal relationship
16 between the treatment and the injury, whichever date is
17 later.

18 (2) If, at the time the individual described in
19 subsection 1 of this section attains eighteen years of age,
20 he or she is under a legal disability, the limitation period
21 under subdivision (1) of this subsection shall not begin to
22 run until the removal of the disability.

23 (3) The limitation period in subdivision (1) of this
24 subsection shall not run during a time period when the
25 individual is subject to threats, intimidation,
26 manipulation, fraudulent concealment, or fraud perpetrated
27 by the physician or other health care professional who
28 prescribed or otherwise provided gender transition

29 procedures or by any person acting in the interest of the
30 physician or other health care professional.

31 4. (1) An individual may assert an actual or
32 threatened violation of sections 191.1720 to 191.1745 as a
33 claim or defense in a judicial proceeding.

34 (2) The following damages may be awarded to a claimant
35 described in subdivision (1) of this subsection:

36 (a) Compensatory damages including, but not limited to:

37 a. Pain and suffering;

38 b. Loss of reputation;

39 c. Loss of income; and

40 d. Loss of consortium including, but not limited to,
41 the loss of expectation of sharing parenthood;

42 (b) Injunctive relief;

43 (c) Declaratory judgment;

44 (d) Punitive damages; and

45 (e) Any other appropriate relief.

46 (3) A prevailing party who establishes a violation of
47 sections 191.1720 to 191.1745 shall recover reasonable
48 attorney's fees.

49 5. Notwithstanding any other provision of law to the
50 contrary, an action under this section may be commenced, and
51 relief may be granted, in a judicial proceeding without
52 regard to whether the individual commencing the action has
53 sought or exhausted available administrative remedies.

54 6. The attorney general may bring an action to enforce
55 compliance with sections 191.1720 to 191.1745.

56 7. Sections 191.1720 to 191.1745 do not deny, impair,
57 or otherwise affect any right or authority of the attorney
58 general, the state, or any agency, officer, or employee of
59 the state, acting under any law other than sections 191.1720
60 to 191.1745, to institute or intervene in any proceeding.

Section B. The enactment of sections 191.1720 to
2 191.1745 of this act shall become effective on January 1,
3 2024.

