

**SENATE AMENDMENT NO. \_\_\_\_\_**

Offered by \_\_\_\_\_ of \_\_\_\_\_

Amend SS/Senate Bill No. 1111, Page 1, Section TITLE, Line 4,

2 by striking "the regulation of child care"; and inserting in  
3 lieu thereof the following: "child protection"; and

4 Further amend said bill and page, Section A, line 5, by  
5 inserting after all of said line the following:

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

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

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

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

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

24 (4) "Gender transition", the process in which an  
25 individual transitions from identifying with and living as a  
26 gender that corresponds to his or her biological sex to

27 identifying with and living as a gender different from his  
28 or her biological sex, and may involve social, legal, or  
29 physical changes;

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

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

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

40 (c) Augmentation mammoplasty or subcutaneous  
41 mastectomy;

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

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

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

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

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

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

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

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

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

88           (3) An individual bringing an action under this  
89 subsection shall be entitled to a rebuttable presumption  
90 that the individual was harmed if the individual is  
91 infertile following the prescription or administration of  
92 cross-sex hormones or puberty-blocking drugs and that the

93 harm was a direct result of the hormones or drugs prescribed  
94 or administered by the health care provider. Such  
95 presumption may be rebutted only by clear and convincing  
96 evidence.

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

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

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

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

122 (8) If requested by the plaintiff, any pleadings,  
123 attachments, or exhibits filed with the court in any action  
124 brought pursuant to this subsection, as well as any  
125 judgments issued by the court in such actions, shall not

126 include the personal identifying information of the  
127 plaintiff. Such information shall be provided in a  
128 confidential information filing sheet contemporaneously  
129 filed with the court or entered by the court, which shall  
130 not be subject to public inspection or availability.

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

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

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

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

149 (3) The treatment of any infection, injury, disease,  
150 or disorder that has been caused by or exacerbated by the  
151 performance of gender transition surgery or the prescription  
152 or administration of cross-sex hormones or puberty-blocking  
153 drugs regardless of whether the surgery was performed or the  
154 hormones or drugs were prescribed or administered in  
155 accordance with state and federal law; or

156 (4) Any procedure undertaken because the individual  
157 suffers from a physical disorder, physical injury, or  
158 physical illness that would, as certified by a physician,

159 place the individual in imminent danger of death or  
160 impairment of a major bodily function unless surgery is  
161 performed."; and  
162 Further amend the title and enacting clause accordingly.