

SENATE BILL NO. 75

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR HUDSON.

0208S.01H

KRISTINA MARTIN, Secretary

AN ACT

To repeal section 191.1720, RSMo, and to enact in lieu thereof one new section relating to gender transition procedures.

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

Section A. Section 191.1720, RSMo, is repealed and one
2 new section enacted in lieu thereof, to be known as section
3 191.1720, to read as follows:

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

4 2. For purposes of this section, the following terms
5 mean:

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

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

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

EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

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

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

28 (a) Surgical procedures that sterilize, including, but
29 not limited to, castration, vasectomy, hysterectomy,
30 oophorectomy, orchiectomy, or penectomy;

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

35 (c) Augmentation mammoplasty or subcutaneous
36 mastectomy;

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

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

48 3. A health care provider shall not knowingly perform
49 a gender transition surgery on any individual under eighteen
50 years of age.

51 4. (1) A health care provider shall not knowingly
52 prescribe or administer cross-sex hormones or puberty-
53 blocking drugs for the purpose of a gender transition for
54 any individual under eighteen years of age.

55 (2) **Until March 1, 2026**, the provisions of this
56 subsection shall not apply to the prescription or
57 administration of cross-sex hormones or puberty-blocking
58 drugs for any individual under eighteen years of age who was
59 prescribed or administered such hormones or drugs prior to
60 August 28, 2023, for the purpose of assisting the individual
61 with a gender transition.

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

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

72 6. (1) The prescription or administration of cross-
73 sex hormones or puberty-blocking drugs to an individual
74 under eighteen years of age for the purpose of a gender
75 transition shall be considered grounds for a cause of action
76 against the health care provider. The provisions of chapter
77 538 shall not apply to any action brought under this
78 subsection.

79 (2) An action brought pursuant to this subsection
80 shall be brought within fifteen years of the individual
81 injured attaining the age of twenty-one or of the date the

82 treatment of the injury at issue in the action by the
83 defendant has ceased, whichever is later.

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

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

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

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

110 (7) A plaintiff to an action brought under this
111 subsection may enter into a voluntary agreement of
112 settlement or compromise of the action, but no agreement
113 shall be valid until approved by the court. No agreement

114 allowed by the court shall include a provision regarding the
115 nondisclosure or confidentiality of the terms of such
116 agreement unless such provision was specifically requested
117 and agreed to by the plaintiff.

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

127 7. The provisions of this section shall not apply to
128 any speech protected by the First Amendment of the United
129 States Constitution.

130 8. The provisions of this section shall not apply to
131 the following:

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

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

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

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

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