

1 STATE OF OKLAHOMA

2 2nd Session of the 58th Legislature (2022)

3 HOUSE BILL 3240

By: Gann

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6 AS INTRODUCED

7 An Act relating to public health and safety; creating
8 the Oklahoma Save Adolescents from Experimentation
9 (SAFE) Act; defining terms; imposing duties and
10 requirements; establishing liability; providing legal
11 remedies; creating restrictions; providing for
12 codification; and providing an effective date.

13 BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

14 SECTION 1. NEW LAW A new section of law to be codified
15 in the Oklahoma Statutes as Section 2606 of Title 63, unless there
16 is created a duplication in numbering, reads as follows:

17 This act shall be known and may be cited as the "Oklahoma Save
18 Adolescents from Experimentation (SAFE) Act".

19 SECTION 2. NEW LAW A new section of law to be codified
20 in the Oklahoma Statutes as Section 2607 of Title 63, unless there
21 is created a duplication in numbering, reads as follows:

22 A. As used in this section:

23 1. "Biological sex" means the biological indication of male and
24 female in the context of reproductive potential or capacity, such as

1 sex chromosomes, naturally occurring sex hormones, gonads, and
2 nonambiguous internal and external genitalia present at birth,
3 without regard to an individual's psychological, chosen or
4 subjective experience of gender;

5 2. "Cross-sex hormones" means testosterone or other androgens
6 given to biological females in amounts that are larger or more
7 potent than would normally occur naturally in healthy biological
8 females and estrogen given to biological males in amounts that are
9 larger or more potent than would normally occur naturally in healthy
10 biological males;

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

13 4. "Gender reassignment surgery" means any medical or surgical
14 service that seeks to surgically alter or remove healthy physical or
15 anatomical characteristics or features that are typical for the
16 individual's biological sex, in order to instill or create
17 physiological or anatomical characteristics that resemble a sex
18 different from the individual's biological sex, including, but not
19 limited to, genital or nongenital gender reassignment surgery
20 performed for the purpose of assisting an individual with gender
21 transition;

22 5. "Gender transition" means the process in which a person goes
23 from identifying and living as a gender that corresponds to his or
24 her biological sex to identifying and living as a gender different

1 from his or her biological sex, and may involve social, legal or
2 physical changes;

3 6. "Gender transition procedures" means any medical or surgical
4 service, including, but not limited to, physician's services,
5 inpatient and outpatient hospital services, or prescribed drugs
6 related to gender transition that seeks to:

7 a. alter or remove physical or anatomical characteristics
8 or features that are typical for the individual's
9 biological sex, or

10 b. instill or create physiological or anatomical
11 characteristics that resemble a sex different from the
12 individual's biological sex, including, but not
13 limited to, medical services that provide puberty-
14 blocking drugs, cross-sex hormones, or other
15 mechanisms to promote the development of feminizing or
16 masculinizing features in the opposite biological sex,
17 or genital or nongenital reassignment surgery
18 performed for the purpose of assisting an individual
19 with a gender transition.

20 Gender transition procedures do not include:

21 a. services to persons born with a medically verifiable
22 disorder of sex development, including a person with
23 external biological sex characteristics that are
24 irresolvably ambiguous, such as those born with 46 XX

1 chromosomes with virilization, 46 XY chromosomes with
2 under virilization, or having both ovarian and
3 testicular tissue,

4 b. services provided when a physician has otherwise
5 diagnosed a disorder of sexual development that the
6 physician has determined through genetic or
7 biochemical testing that the person does not have
8 normal sex chromosomes structure, sex steroid hormone
9 production or sex steroid hormone action,

10 c. treatment of any infection, injury, disease, or
11 disorder that has been caused by or exacerbated by the
12 performance of gender transition procedures, whether
13 or not the gender transition procedure was performed
14 in accordance with state and federal law or whether or
15 not funding for the gender transition procedure is
16 permissible under this act, or

17 d. any procedure undertaken because the individual
18 suffers from a physical disorder, physical injury, or
19 physical illness that would, as certified by a
20 physician, place the individual in imminent danger of
21 death or impairment of major bodily function unless
22 such procedure is performed;

1 7. "Genital gender reassignment surgery" means a medical
2 procedure performed. For the purpose of assisting an individual
3 with a gender transition, including, but not limited to:

- 4 a. surgical procedures such as penectomy, orchiectomy,
5 vaginoplasty, clitoroplasty, or vulvoplasty for
6 biologically male patients or hysterectomy or
7 ovariectomy for biologically female patients,
- 8 b. reconstruction of the fixed part of the urethra with
9 or without a metoidioplasty, or
- 10 c. phalloplasty, vaginectomy, scrotoplasty or
11 implantation of erection or testicular prostheses for
12 biologically female patients;

13 8. "Health care professional" means a person who is licensed,
14 certified or otherwise authorized by the laws of this state to
15 administer health care in the ordinary course of the practice of his
16 or her profession;

17 9. "Nongenital gender reassignment surgery" means medical
18 procedures performed for the purpose of assisting an individual with
19 a gender transition including, but not limited to:

- 20 a. surgical procedures for biologically male patients,
21 such as augmentation mammoplasty, facial feminization
22 surgery, liposuction, lipofilling, voice surgery,
23 thyroid cartilage reduction, gluteal augmentation,

1 hair reconstruction or various aesthetic procedures,
2 or

3 b. surgical procedures for biologically female patients,
4 such as subcutaneous mastectomy, voice surgery,
5 liposuction, lipofilling, pectoral implants, or
6 various aesthetic procedures;

7 10. "Physician" means a person who is licensed in this state to
8 practice medicine;

9 11. "Puberty-blocking drugs" means gonadotropin-releasing
10 hormone analogues or other synthetic drugs used in biological males
11 to stop luteinizing hormone secretion and therefore testosterone
12 secretion or synthetic drugs used in biological females which stop
13 the production of estrogen and progesterone when used to delay or
14 suppress pubertal development in children for the purpose of
15 assisting an individual with a gender transition; and

16 12. "Public funds" means state, county, or local government
17 monies, in addition to any department, agency or instrumentality
18 authorized or appropriated under state law or derived from any fund
19 in which such monies are deposited.

20 B. A physician or other health care professional shall not
21 provide gender transition procedures to any individual under
22 eighteen (18) years of age.

23 C. A physician or other health care professional shall not
24 refer any individual under eighteen (18) years of age to any

1 physician or health care professional for gender transition
2 procedures.

3 D. It shall be prohibited for any public monies to be directly
4 or indirectly used, granted, paid, or distributed to any entity,
5 organization, or individual who provides gender transition
6 procedures to an individual under eighteen (18) years of age.

7 E. Any referral for or provision of gender transition
8 procedures to an individual under eighteen (18) years of age shall
9 be considered unprofessional conduct and is subject to disciplinary
10 action by the appropriate licensing body or disciplinary review
11 board with jurisdiction in this state.

12 1. A person may assert an actual or threatened violation of
13 this act as a claim or defense in a judicial or administrative
14 proceeding and obtain compensatory damages, injunctive relief,
15 declaratory relief or any other appropriate relief.

16 2. A person shall bring a claim for a violation of this act no
17 later than two (2) years after the day the cause of action occurs.

18 3. An individual under eighteen (18) years of age may bring an
19 action throughout his or her minority through a parent or next
20 friend, and may bring an action in his or her own name upon reaching
21 majority at any time from that point until twenty (20) years after
22 reaching the age of majority.

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1 4. In any action or proceeding to enforce a provision of this
2 act, a prevailing party who establishes a violation of this act
3 shall recover reasonable attorneys' fees.

4 F. Insurance coverage for gender transition procedures within
5 this state for individuals under eighteen (18) years of age shall be
6 prohibited.

7 1. A health benefit plan under an insurance policy or other
8 plan providing health care coverage in this state shall not include
9 reimbursement for gender transition procedures for a person under
10 eighteen (18) years of age.

11 2. A health benefit plan under an insurance policy or other
12 plan providing health care coverage in this state is not required to
13 provide coverage for gender transition procedures.

14 SECTION 3. This act shall become effective November 1, 2022.

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16 58-2-9121 KN 12/28/21

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