

**COMMITTEE AMENDMENT**  
HOUSE OF REPRESENTATIVES  
State of Oklahoma

SPEAKER:

CHAIR:

I move to amend HB2177 \_\_\_\_\_  
Of the printed Bill  
Page \_\_\_\_\_ Section \_\_\_\_\_ Lines \_\_\_\_\_  
Of the Engrossed Bill

By striking the Title, the Enacting Clause, the entire bill, and by inserting in lieu thereof the following language:

**AMEND TITLE TO CONFORM TO AMENDMENTS**

Amendment submitted by: Kevin West \_\_\_\_\_

Adopted: \_\_\_\_\_

\_\_\_\_\_  
Reading Clerk

STATE OF OKLAHOMA

1st Session of the 59th Legislature (2023)

PROPOSED COMMITTEE  
SUBSTITUTE  
FOR  
HOUSE BILL NO. 2177

By: West (Kevin)

PROPOSED COMMITTEE SUBSTITUTE

An Act relating to public health and safety; defining terms; prohibiting certain health care professionals from performing or attempting to perform gender transition procedures; providing exceptions; prohibiting use of public funds for gender transition procedures; prohibiting certain gender transition procedures; defining certain conduct as unprofessional; requiring revocation of license or certificate; prescribing statute of limitations for disciplinary proceedings; authorizing certain claims or defenses; prescribing statute of limitations; authorizing civil actions by minors; authorizing civil actions after majority; authorizing certain actions without exhaustion of administrative remedies; authorizing attorney fees; authorizing Attorney General to bring enforcement actions; prohibiting state insurance program reimbursements; providing for construction of act; providing for severability; providing for codification; and providing an effective date.

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

1 SECTION 1. NEW LAW A new section of law to be codified  
2 in the Oklahoma Statutes as Section 2607 of Title 63, unless there  
3 is created a duplication in numbering, reads as follows:

4 A. As used in this section:

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

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

13 3. "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 4. "Physician" means a person who is licensed in this state to  
18 practice medicine; and

19 5. "Public funds" means state, county, or local government  
20 monies, in addition to any department, agency, or instrumentality  
21 authorized or appropriated under state law or derived from any fund  
22 in which such monies are deposited.

23 B. A physician, mental health professional, or other health  
24 care professional shall not knowingly engage in or cause any of the

1 following practices to be performed upon any person under eighteen  
2 (18) years of age if the practice is performed for the purpose of  
3 attempting to alter the appearance of or affirm the minor's  
4 perception of his or her gender or sex, if that appearance or  
5 perception is inconsistent with the minor's sex as defined in this  
6 section:

7 1. Prescribing or administering gonadotropin-releasing hormone  
8 analogues or another synthetic drug used to stop luteinizing hormone  
9 and follicle-stimulating hormone secretion, synthetic antiandrogen  
10 drugs used to block the androgen receptor, or any drug to suppress  
11 or delay normal puberty;

12 2. Prescribing or administering testosterone, estrogen, or  
13 progesterone to a minor in an amount greater than would normally be  
14 produced endogenously in a healthy individual of that individual's  
15 age and sex;

16 3. Performing sterilization surgeries, including castration,  
17 vasectomy, hysterectomy, oophorectomy, orchiectomy, and penectomy;

18 4. Performing surgeries that artificially construct tissue with  
19 the appearance of genitalia that differs from the individual's sex,  
20 including metoidioplasty, phalloplasty, and vaginoplasty; or

21 5. Removing any healthy or non diseased body part or tissue.

22 C. A physician, mental health professional, or other health  
23 care professional shall not knowingly engage in conduct that aids or  
24 abets the practices described in subsection B of this section to any

1 person under eighteen (18) years of age. This section may not be  
2 construed to impose liability on any speech or expressive conduct  
3 protected by the United States or Oklahoma constitution.

4 D. Subsections B and C of this section do not apply to:

5 1. Services to persons born with a medically verifiable  
6 disorder of sex development, including a person with external  
7 biological sex characteristics that are irresolvably ambiguous, such  
8 as those born with 46 XX chromosomes with virilization, 46 XY  
9 chromosomes with under-virilization, or having both ovarian and  
10 testicular tissue;

11 2. Services provided when a physician has otherwise diagnosed a  
12 disorder of sexual development that the physician has determined,  
13 through genetic or biochemical testing, is caused by the person not  
14 having normal sex chromosomes structure, sex steroid hormone  
15 production, or sex steroid hormone action;

16 3. Treatment of any infection, injury, disease, or disorder  
17 that has been caused by or exacerbated by the performance of gender  
18 transition procedures, whether or not the gender transition  
19 procedure was performed in accordance with state and federal law or  
20 whether or not funding for the gender transition procedure is  
21 permissible under this section; or

22 4. Any procedure undertaken because the individual suffers from  
23 a physical disorder, physical injury, or physical illness that  
24 would, as certified by a physician, place the individual in imminent

1 danger of death or impairment of major bodily function unless such  
2 procedure is performed.

3 E. It shall be prohibited for any public funds to be directly  
4 or indirectly used, granted, paid, or distributed to any entity,  
5 organization, or individual who provides the services described in  
6 subsection B of this section to any minor or adult. No facility  
7 that receives public funds shall allow its staff or facilities to be  
8 used to perform the services described in subsection B of this  
9 section on any minor or adult. Any violation of this section shall  
10 result in the loss of public funding to the entity, organization, or  
11 individual for a minimum of one (1) year and shall not be reinstated  
12 until full compliance with this section.

13 F. 1. Any violation of subsection B or C of this section shall  
14 be considered unprofessional conduct and shall, upon an adverse  
15 ruling by the appropriate licensing board, result in immediate  
16 revocation of the license or certificate of the physician, mental  
17 health professional, or other health care professional.

18 2. Disciplinary proceedings against the physician, mental  
19 health professional, or health care professional must be commenced  
20 not later than the date as of which the individual upon whom the  
21 services described in subsection B of this section were performed  
22 attains forty-five (45) years of age.

23 3. A person may assert an actual or threatened violation of  
24 this section as a claim or defense in a judicial or administrative

1 proceeding and obtain compensatory damages, injunctive relief,  
2 declaratory relief, or any other appropriate relief.

3 4. A person shall bring a claim for a violation of this section  
4 no later than the date of which the individual upon whom the  
5 services described in subsection B of this section were performed  
6 attains forty-five (45) years of age.

7 5. An individual under eighteen (18) years of age may bring an  
8 action throughout his or her minority through a parent or next  
9 friend, and may bring an action in his or her own name upon reaching  
10 majority at any time from that point until twenty-seven (27) years  
11 after reaching the age of majority.

12 6. The Attorney General may bring an action to enforce  
13 compliance with this section. Nothing in this section shall be  
14 construed to deny, impair, or otherwise affect any right or  
15 authority of the Attorney General, the state, or any agency,  
16 officer, or employee of the state to institute or intervene in any  
17 action or proceeding.

18 7. In any action or proceeding to enforce a provision of this  
19 section, a prevailing party who establishes a violation of this  
20 section shall recover reasonable attorney fees.

21 G. Insurance coverage for the services described in subsection  
22 B of this section performed within this state on any minor or adult  
23 shall be prohibited.

24

1           1. A health benefit plan under an insurance policy or other  
2 plan providing health care coverage in this state shall not include  
3 reimbursement for the services described in subsection B of this  
4 section whether performed on a minor or adult.

5           2. A health benefit plan under an insurance policy or other  
6 plan providing health care coverage in this state is not required to  
7 provide coverage for the services described in subsection B of this  
8 section whether performed on a minor or adult.

9           H. To the extent the state or any private party is enjoined  
10 from enforcing any part or application of this section, all other  
11 parts or applications of that subsection and all other subsections  
12 are severable and enforceable. It is the Legislature's intent that  
13 any lawful subsection, application, or part of a subsection remain  
14 enforceable no matter the number of subsections, parts of  
15 subsections, or applications deemed unenforceable. Under no  
16 circumstance should a court conclude the Legislature intended that  
17 the state or private party be enjoined from enforcing any  
18 subsection, application, or part of a subsection not deemed  
19 independently unenforceable.

20           SECTION 2. This act shall become effective November 1, 2023.

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22           59-1-7217           TJ           02/01/23

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