

1 STATE OF OKLAHOMA

2 1st Session of the 59th Legislature (2023)

3 COMMITTEE SUBSTITUTE  
4 FOR

5 HOUSE BILL NO. 2177

6 By: West (Kevin) and Olsen

7 COMMITTEE SUBSTITUTE

8 An Act relating to public health and safety; defining  
9 terms; prohibiting certain health care professionals  
10 from performing or attempting to perform gender  
11 transition procedures; providing exceptions;  
12 prohibiting use of public funds for gender transition  
13 procedures; prohibiting certain gender transition  
14 procedures; defining certain conduct as  
15 unprofessional; requiring revocation of license or  
16 certificate; prescribing statute of limitations for  
17 disciplinary proceedings; authorizing certain claims  
18 or defenses; prescribing statute of limitations;  
19 authorizing civil actions by minors; authorizing  
20 civil actions after majority; authorizing certain  
21 actions without exhaustion of administrative  
22 remedies; authorizing attorney fees; authorizing  
23 Attorney General to bring enforcement actions;  
24 prohibiting state insurance program reimbursements;  
providing for construction of act; providing for  
severability; providing for codification; and  
declaring an emergency.

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

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

1 A. As used in this act:

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

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

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

14 4. "Physician" means a person who is licensed in this state to  
15 practice medicine; and

16 5. "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, mental health professional, or other health  
21 care professional shall not knowingly engage in or cause any of the  
22 following practices to be performed upon any person under eighteen  
23 (18) years of age if the practice is performed for the purpose of  
24 attempting to alter the appearance of or affirm the minor's

1 perception of his or her gender or biological sex, if that  
2 appearance or perception is inconsistent with the minor's biological  
3 sex as defined in this act:

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

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

13 3. Performing sterilization surgeries, including castration,  
14 vasectomy, hysterectomy, oophorectomy, orchiectomy, and penectomy;

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

19 5. Removing any healthy or non-diseased body part or tissue for  
20 the purpose of changing the appearance of one's biological sex.

21 C. A physician, mental health professional, or other health  
22 care professional shall not knowingly engage in conduct that aids or  
23 abets the practices described in subsection B of this section to any  
24 person under eighteen (18) years of age. This section may not be

1 construed to impose liability on any speech or conduct protected by  
2 federal or state law.

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

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

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

15 3. Treatment of any infection, injury, disease, or disorder  
16 that has been caused by or exacerbated by the performance of gender  
17 transition procedures, whether the gender transition procedure was  
18 performed in accordance with state and federal law or whether  
19 funding for the gender transition procedure is permissible under  
20 this act;

21 4. Any procedure undertaken because the individual suffers from  
22 a physical disorder, physical injury, or physical illness that  
23 would, as certified by a physician, place the individual in imminent  
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1 danger of death or impairment of major bodily function unless such  
2 procedure is performed; or

3 5. The six-month period following the effective date of this  
4 act for individuals who are currently being prescribed medication  
5 prohibited pursuant to paragraphs 1 and 2 of subsection B of this  
6 act and the services being provided to them by a physician, or other  
7 health care professional, to help curtail and taper the hormone or  
8 puberty blocking medication that has been prescribed to these  
9 individuals.

10 E. It shall be prohibited for any public funds in this state to  
11 be directly or indirectly used, granted, paid, or distributed to any  
12 entity, organization, or individual for the provision of the  
13 services described in subsection B of this act to any minor or  
14 adult. No facility that receives public funds shall allow its staff  
15 or facilities to be used to perform the services described in  
16 subsection B of this act on any minor or adult. Any violation of  
17 this section shall result in the loss of public funding to the  
18 entity, organization, or individual for a minimum of one (1) year  
19 and shall not be reinstated until full compliance with this act.

20 F. 1. Any violation of subsections B or C of this section  
21 shall be considered unprofessional conduct and shall, upon an  
22 adverse ruling by the appropriate licensing board, result in  
23 immediate revocation of the license or certificate of the physician,  
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1 mental health professional, or other health care professional for a  
2 period of one (1) year.

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

8 3. A person may assert an actual or threatened violation of  
9 this act as a claim or defense in a judicial or administrative  
10 proceeding and obtain compensatory damages, injunctive relief,  
11 declaratory relief, or any other appropriate relief.

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

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

21 6. The Attorney General may bring an action to enforce  
22 compliance with this act. Nothing in this act shall be construed to  
23 deny, impair, or otherwise affect any right or authority of the  
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1 Attorney General, the state, or any agency, officer, or employee of  
2 the state to institute or intervene in any action or proceeding.

3 7. In any action or proceeding to enforce a provision of this  
4 act, a prevailing party who establishes a violation of this act  
5 shall recover reasonable attorney fees.

6 G. Insurance coverage for the services described in subsections  
7 B and C of this section performed within this state on any minor or  
8 adult shall be prohibited.

9 1. A health benefit plan under an insurance policy or other  
10 plan providing health care coverage in this state shall not include  
11 reimbursement for the services described in subsections B and C of  
12 this section whether performed on a minor or adult.

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

17 H. To the extent the state or any private party is enjoined  
18 from enforcing any part or application of this act, all other parts  
19 or applications of that subsection and all other subsections are  
20 severable and enforceable. It is the Legislature's intent that any  
21 lawful subsection, application, or part of a subsection remain  
22 enforceable no matter the number of subsections, parts of  
23 subsections, or applications deemed unenforceable. Under no  
24 circumstance should a court conclude the Legislature intended that

1 the state or private party be enjoined from enforcing any  
2 subsection, application, or part of a subsection not deemed  
3 independently unenforceable.

4 SECTION 2. It being immediately necessary for the preservation  
5 of the public peace, health or safety, an emergency is hereby  
6 declared to exist, by reason whereof this act shall take effect and  
7 be in full force from and after its passage and approval.

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