

1 ENGROSSED HOUSE
2 BILL NO. 2177

By: West (Kevin), Olsen,
Crosswhite Hader, Gann,
Conley, and Maynard of the
House

4 and

5 Bullard of the Senate

6
7 An Act relating to public health and safety; defining
8 terms; prohibiting certain health care professionals
9 from performing or attempting to perform gender
10 transition procedures; providing exceptions;
11 prohibiting use of public funds for gender transition
12 procedures; prohibiting certain gender transition
13 procedures; defining certain conduct as
14 unprofessional; requiring revocation of license or
15 certificate; prescribing statute of limitations for
16 disciplinary proceedings; authorizing certain claims
17 or defenses; prescribing statute of limitations;
18 authorizing civil actions by minors; authorizing
19 civil actions after majority; authorizing certain
20 actions without exhaustion of administrative
21 remedies; authorizing attorney fees; authorizing
22 Attorney General to bring enforcement actions;
23 prohibiting state insurance program reimbursements;
24 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:

A. As used in this act:

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

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

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

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

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

19 B. A physician, mental health professional, or other health
20 care professional shall not knowingly engage in or cause any of the
21 following practices to be performed upon any person under eighteen
22 (18) years of age if the practice is performed for the purpose of
23 attempting to alter the appearance of or affirm the minor's
24 perception of his or her gender or biological sex, if that

1 appearance or perception is inconsistent with the minor's biological
2 sex as defined in this act:

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

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

12 3. Performing surgeries that sterilize, including castration,
13 vasectomy, hysterectomy, oophorectomy, orchiectomy, and penectomy;

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

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

20 C. A physician, mental health professional, or other health
21 care professional shall not knowingly engage in conduct that aids or
22 abets the practices described in subsection B of this section to any
23 person under eighteen (18) years of age. This section may not be
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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 a
17 procedure described in subsection B of this section, whether or not
18 the procedure was performed in accordance with state and federal law
19 or whether or not funding for the 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 section and the services being provided to them by a physician, or
7 other health care professional, to help curtail and taper the
8 hormone- or puberty-blocking medication that has been prescribed to
9 these 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 section 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 section on any minor or adult. Any violation
17 of 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.

8 Passed the House of Representatives the 28th day of February,
9 2023.

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11 _____
12 Presiding Officer of the House
of Representatives

13 Passed the Senate the ____ day of _____, 2023.

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15 _____
16 Presiding Officer of the Senate