

**FLOOR 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**

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

Amendment submitted by: Kevin West

\_\_\_\_\_

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

1 STATE OF OKLAHOMA

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

3 FLOOR SUBSTITUTE  
4 FOR

5 HOUSE BILL NO. 2177

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

6 and

7 Bullard of the Senate

8  
9  
10 FLOOR SUBSTITUTE

11 An Act relating to public health and safety; defining  
12 terms; prohibiting certain health care professionals  
13 from performing or attempting to perform gender  
14 transition procedures; providing exceptions;  
15 prohibiting use of public funds for gender transition  
16 procedures; prohibiting certain gender transition  
17 procedures; defining certain conduct as  
18 unprofessional; requiring revocation of license or  
19 certificate; prescribing statute of limitations for  
20 disciplinary proceedings; authorizing certain claims  
21 or defenses; prescribing statute of limitations;  
22 authorizing civil actions by minors; authorizing  
23 civil actions after majority; authorizing certain  
24 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  
declaring an emergency.

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 act:

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 biological sex, if that  
5 appearance or perception is inconsistent with the minor's biological  
6 sex as defined in this act:

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 biological sex;

16 3. Performing surgeries that sterilize, 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  
20 biological sex, including metoidioplasty, phalloplasty, and  
21 vaginoplasty; or

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

24

1 C. A physician, mental health professional, or other health  
2 care professional shall not knowingly engage in conduct that aids or  
3 abets the practices described in subsection B of this section to any  
4 person under eighteen (18) years of age. This section may not be  
5 construed to impose liability on any speech or conduct protected by  
6 federal or state law.

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

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

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

19 3. Treatment of any infection, injury, disease, or disorder  
20 that has been caused by or exacerbated by the performance of a  
21 procedure described in subsection B, whether or not the procedure  
22 was performed in accordance with state and federal law or whether or  
23 not funding for the procedure is permissible under this act;

24

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

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

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

23 F. 1. Any violation of subsections B or C of this section  
24 shall be considered unprofessional conduct and shall, upon an

1 adverse ruling by the appropriate licensing board, result in  
2 immediate revocation of the license or certificate of the physician,  
3 mental health professional, or other health care professional for a  
4 period of one (1) year.

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

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

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

18 5. 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-seven (27) years  
22 after reaching the age of majority.

23 6. The Attorney General may bring an action to enforce  
24 compliance with this act. Nothing in this act shall be construed to

1 deny, impair, or otherwise affect any right or authority of the  
2 Attorney General, the state, or any agency, officer, or employee of  
3 the state to institute or intervene in any action or proceeding.

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

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

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

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

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



1 circumstance should a court conclude the Legislature intended that  
2 the state or private party be enjoined from enforcing any  
3 subsection, application, or part of a subsection not deemed  
4 independently unenforceable.

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

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10 59-1-7603 TJ 02/21/23

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