

1 **SENATE FLOOR VERSION**

2 March 1, 2023

3 COMMITTEE SUBSTITUTE
4 FOR

5 SENATE BILL NO. 129

By: Bullard, Hamilton, Woods,
Burns, Jett, and Stephens

6
7 [health care - public funds, public facilities, and
8 public employees - codification - effective date -
9 emergency]

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

11 SECTION 1. NEW LAW A new section of law to be codified
12 in the Oklahoma Statutes as Section 2607.2 of Title 63, unless there
13 is created a duplication in numbering, reads as follows:

14 A. As used in this section:

15 1. a. "Gender transition procedures" means any medical or
16 surgical treatment including but not limited to
17 physician's services, inpatient and outpatient
18 hospital services, or prescribed drugs related to
19 gender transition that seeks to:

- 20 (1) alter or remove physical or anatomical
21 characteristics or features that are typical for
22 the individual's biological sex, or
23 (2) instill or create physiological or anatomical
24 characteristics that resemble a sex different

1 from the individual's biological sex, including
2 but not limited to medical services that provide
3 puberty-blocking drugs, cross-sex hormones, or
4 other mechanisms to promote the development of
5 feminizing or masculinizing features in the
6 opposite biological sex, or genital or nongenital
7 gender reassignment surgery performed for the
8 purpose of assisting an individual with a gender
9 transition.

10 b. Gender transition procedures do not include:

- 11 (1) behavioral health care services or mental health
12 counseling,
13 (2) medications to treat depression and anxiety,
14 (3) medications prescribed, dispensed, or
15 administered specifically for the purpose of
16 treating precocious puberty or delayed puberty in
17 that patient,
18 (4) services provided to individuals born with
19 ambiguous genitalia, incomplete genitalia, or
20 both male and female anatomy, or biochemically
21 verifiable disorder of sex development (DSD),
22 including but not limited to:
23 (a) 46,XX DSD,
24 (b) 46,XY DSD,

- 1 (c) sex chromosomes DSDs,
2 (d) XX or XY sex reversal, and
3 (e) ovotesticular disorder, or
4 (5) the treatment of any infection, injury, disease,
5 or disorder that has been caused by or
6 exacerbated by the performance of gender
7 transition procedures, whether or not the gender
8 transition procedure was performed in accordance
9 with state and federal law;

10 2. "Health care provider" means a physician, physician
11 assistant, Advanced Practice Registered Nurse, or any other person
12 who is licensed, certified, or otherwise authorized by the laws of
13 this state to administer health care in the ordinary course of the
14 practice of his or her profession; and

15 3. "Public funds" means state funds from any source including
16 but not limited to appropriations, apportionments, or revenue
17 generated by state agencies through fines, fees, or any other means.

18 B. Public funds shall not be directly or indirectly used,
19 granted, paid, or distributed to any entity, organization, health
20 care provider, or individual that provides or refers for gender
21 transition procedures.

22 C. Gender transition procedures shall not be provided or
23 referred for in the following situations:
24

1 1. By or in a health care facility owned by the state or a
2 county or local government; or

3 2. By a health care provider employed by the state or a county
4 or local government.

5 SECTION 2. This act shall become effective July 1, 2023.

6 SECTION 3. It being immediately necessary for the preservation
7 of the public peace, health or safety, an emergency is hereby
8 declared to exist, by reason whereof this act shall take effect and
9 be in full force from and after its passage and approval.

10 COMMITTEE REPORT BY: COMMITTEE ON APPROPRIATIONS
11 March 1, 2023 - DO PASS AS AMENDED BY CS

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