

1 STATE OF OKLAHOMA

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

3 SENATE BILL 788

By: Standridge

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5
6 AS INTRODUCED

7 An Act relating to health care; prohibiting physician
8 or other healthcare professional from providing
9 certain services to minor; authorizing certain civil
10 action; specifying who may bring an action; allowing
11 unlimited time period for commencement of an action
12 subject to certain conditions; creating certain
13 rebuttable presumption; providing for dismissal of
14 cause of action under certain condition; authorizing
15 award of certain damages or relief; providing for
16 recovery of court costs and reasonable attorney fees;
17 creating certain criminal offense and penalty;
18 providing for codification; and providing an
19 effective date.

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

21 SECTION 1. NEW LAW A new section of law to be codified
22 in the Oklahoma Statutes as Section 2607.3 of Title 63, unless there
23 is created a duplication in numbering, reads as follows:

24 A. A parent or legal guardian shall not consent, on behalf of
any individual under eighteen (18) years of age for whom the parent
or legal guardian has the authority to make medical decisions, to
the provision of the following treatments by a physician or other
healthcare professional:

1 1. Hormone therapy; or

2 2. Puberty blocking drugs, unless such drugs are medically
3 necessary. For the purpose of this paragraph, a gender transition
4 shall not constitute medical necessity.

5 B. If a person received hormone therapy or a puberty blocking
6 drug while such person was under eighteen (18) years of age and if
7 the hormone therapy or puberty blocking drug caused the person to
8 not be able to enjoy the natural reproductivity functions of child
9 bearing and rearing that the person would have enjoyed if not for
10 the hormone therapy or puberty blocking drug, the person may bring
11 an action against his or her parent or legal guardian who consented
12 to the hormone therapy or puberty blocking drug on behalf of the
13 minor.

14 C. If the person is under eighteen (18) years of age, he or she
15 may bring an action:

16 1. Throughout their minority through a parent or legal
17 guardian, provided that the parent or legal guardian is not the same
18 parent or legal guardian who consented to hormone therapy or a
19 puberty blocking drug on behalf of the minor; and

20 2. In their own name upon reaching majority.

21 D. 1. Notwithstanding any other provision of law, there shall
22 be no time limitation for the commencement of an action brought
23 under this section except as provided by this subsection.

1 2. There shall be a rebuttable presumption that the plaintiff,
2 based solely on his or her age, would be capable of bearing children
3 if not for the hormone therapy or puberty blocking drug.

4 3. If the presumption described in paragraph 2 of this
5 subsection is successfully rebutted, the court shall dismiss the
6 cause of action.

7 E. A plaintiff who establishes a violation of subsection A of
8 this section and who can show that he or she has suffered harm as
9 described in subsection B of this section may be granted:

10 1. Compensatory damages appropriate to the loss of natural
11 reproductivity functions as described in subsection B of this
12 section;

13 2. Punitive damages; or

14 3. Any other appropriate relief.

15 F. A plaintiff who establishes a violation of subsection A of
16 this act and who can show that he or she has suffered harm as
17 described in subsection B of this section shall recover court costs
18 and reasonable attorney fees.

19 G. In addition to the other remedies provided by this
20 subsection, a parent or legal guardian found to have violated
21 subsection A of this section, in cases where there are potentially
22 grave long-term effects on the child, shall, upon conviction, be
23 guilty of child abuse punishable as provided in Section 843.5 of
24 Title 21 of the Oklahoma Statutes.

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

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