

2021 Regular Session

HOUSE BILL NO.575

BY REPRESENTATIVE FIRMENT

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

HEALTH/CHILDREN: Restricts prescribing and dispensing of certain drugs to delay puberty and prohibits withholding of certain information from the minor's parent or legal guardian

1 AN ACT

2 To enact Part VIII of Chapter 5-A of Title 40 of the Louisiana Revised Statutes of 1950, to
3 be comprised of R.S. 40:1091.1 through 1091.5, relative to minors; to provide
4 definitions; to prohibit the prescribing and dispensing of certain drugs to minors; to
5 prohibit certain practices to be performed upon a minor; to provide exceptions for
6 procedures which may occur to minors; to provide for sexual disorders associated
7 with sexual development; to provide for officials and personnel of public and private
8 schools; to provide for violations; and to provide for related matters.

9 Be it enacted by the Legislature of Louisiana:

10 Section 1. Part VIII of Chapter 5-A of Title 40 of the Louisiana Revised Statutes of
11 1950, comprised of R.S. 40:1091.1 through 1091.5, is hereby enacted to read as follows:

12 PART VIII. VULNERABLE CHILD PROTECTION ACT

13 §1091.1. Short title; definitions

14 A. This Part shall be known and cited as the "Vulnerable Child Protection
15 Act".

16 B. For the purposes of this Part, the following terms have the meanings
17 ascribed to them unless the context clearly indicates otherwise:

18 (1) "Castration" means a surgical procedure to remove the testicles of an
19 individual.

1 (2) "Hysterectomy" means a surgical procedure to remove the uterus with
2 or without other organs or tissues of an individual.

3 (3) "Metoidioplasty" means the surgical creation of a penis using existing
4 genital tissue of an individual.

5 (4) "Minor" means a person who has not attained the age of eighteen years.

6 (5) "Orchiectomy" means the surgical removal of one or both testicles of an
7 individual.

8 (6) "Oophorectomy" means surgical removal of one or both ovaries of an
9 individual.

10 (7) "Parent" means each parent, custodian, or legal guardian who is
11 responsible for the control, safety, training, or education of a minor.

12 (8) "Penectomy" means the surgical amputation of the penis of an individual.

13 (9) "Person" means an individual, agent, employee, or official of any legal
14 entity, school district, or political subdivision, or agency of the state.

15 (10) "Phalioplasty" means a multi-staged procedure that may include several
16 procedures including the creation of a penis, lengthening the urethra, creating the
17 glans of a penis, creation of the scrotum, removal of the vagina, or placing erectile
18 and testicular implants of an individual.

19 (11) "Puberty blocker" means medicine which may prevent puberty from
20 occurring. "Puberty blocker" means to block the testosterone or estrogen hormone
21 that leads to puberty-related changes in the body.

22 (12) "Sex" means the biological state of being male or female based on a
23 individual's sex organs, chromosomes, and endogenous hormone profiles.

24 (13) "Undervirilization" means an individual whose body shows evidence
25 of below normal prenatal androgen effects.

26 (14) "Vaginoplasty" means a surgical procedure to create or repair a vagina
27 of an individual.

28 (15) "Vasectomy" means a form of male sterilization.

1 (16) "Virilization" means a condition in which an individual develops
2 characteristics associated with male hormones.

3 §1091.2. Child protection against puberty blocker agents

4 A. No person shall engage in, counsel, make a referral for, or cause any
5 practice to be performed upon a minor if the practice performed is for the purpose
6 of altering the appearance of or affirm a minor's gender or sex and the perception is
7 inconsistent with the minor's sex unless the practice is authorized under the provision
8 of Subsection (B) of this Section. The practices not to be performed shall include the
9 following:

10 (1) Prescribing, dispensing, administering, or otherwise supplying a puberty
11 blocker medication to stop or delay normal puberty.

12 (2) Prescribing, dispensing, administering, or otherwise supplying
13 supraphysiologic doses of testosterone or other androgens to females.

14 (3) Prescribing, dispensing, administering, or otherwise supplying
15 supraphysiologic doses of estrogen to males.

16 (4) Performing a surgery that sterilizes an individual by performing either
17 castration, vasectomy, hysterectomy, oophorectomy, orchiectomy, or penectomy.

18 (5) Performing a surgery that artificially constructs tissue with the
19 appearance of genitalia that differs from the individual's sex to include
20 metoidioplasty, phalioplasty, or vaginoplasty.

21 (6) Removing any healthy or non-diseased body part or tissue.

22 B. This Part shall not apply to a procedure to treat a minor who is born with
23 a medically verifiable disorder of sexual development to include the following:

24 (1) A minor who is born with external biological sex characteristics that are
25 ambiguous and the ambiguity is not resolvable.

26 (2) A minor who is born with either forty-six XX chromosomes with
27 virilization, forty-six XY chromosomes with undervirilization, or having both
28 ovarian and testicular tissue.

1 (3) A minor who has been diagnosed by a physician as having a disorder of
2 sexual development and the physician has determined through genetic or
3 biochemical testing that the person does not have either a normal sex chromosome
4 structure, sex steroid hormone production, or sex steroid hormone action for a male
5 or female.

6 §1091.3. Prohibited acts by school officials or personnel

7 A nurse, counselor, teacher, principal, or other administrative official at a
8 public or private school attended by a minor is prohibited from doing either of the
9 following acts:

10 (1) Encouraging or coercing a minor to withhold from his parent or legal
11 guardian any information that suggest the minor's perception of the minor's gender
12 or sex is inconsistent with the minor's sex.

13 (2) Withholding from a minor's parent or legal guardian information related
14 to a minor's gender or sex that is inconsistent with the minor's sex.

15 §1091.4. Standard of care

16 Nothing in this Part shall establish a new or separate standard of care as
17 defined in R.S. 40:1231.1(A)(22) for a healthcare provider who provides care to his
18 patient.

19 §1091.5. Violations

20 Any person who violates this Part may, upon criminal conviction, be
21 imprisoned, with or without hard labor, for not more than two years, and may be
22 fined not more than ten thousand dollars.

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 575 Original

2021 Regular Session

Firment

Abstract: Prohibits the prescribing and dispensing of drugs to a minor which may alter his puberty.

Proposed law creates the "Vulnerable Child Protection Act".

Proposed law provides definitions that shall be used throughout proposed law.

Proposed law provides that no person shall engage in, counsel, refer, or cause any practice to be performed upon a minor if the practice is performed for the purpose of altering the appearance or affirm a minor's gender or sex because perception is inconsistent with the minor's sex. The practices not to be performed shall include the following:

- (1) Prescribing, dispensing, administering, or otherwise supplying a puberty blocker medication to stop or delay normal puberty.
- (2) Prescribing, dispensing, administering, or otherwise supplying supraphysiologic doses of testosterone or other androgens to females.
- (3) Prescribing, dispensing, administering, or otherwise supplying supraphysiologic doses of estrogen to males.
- (4) Performing a surgery that sterilizes an individual by performing either castration, vasectomy, hysterectomy, oophorectomy, orchiectomy, or penectomy.
- (5) Performing a surgery that artificially constructs tissue with the appearance of genitalia that differs from the individual's sex to include metoidioplasty, phalloplasty, or vaginoplasty.
- (6) Removing any healthy or non-diseased body part or tissue.

Proposed law stipulates that the provisions of proposed law shall not apply to a procedure to treat a minor who is born with a medically verifiable disorder of sexual development which shall include the following instances:

- (1) A minor who is born with external biological sex characteristics that are ambiguous and the ambiguity is not resolvable.
- (2) A minor who is born with either forty-six XX chromosomes with virilization, forty-six XY chromosomes with undervirilization, or having both ovarian and testicular tissue.
- (3) A minor who has been diagnosed by a physician as having a disorder of sexual development which the physician has determined through genetic or biochemical testing that the person does not have either a normal sex chromosome structure, sex steroid hormone production, or sex steroid hormone action for a male or female.

Proposed law prohibits a nurse, counselor, teacher, principal, or other administrative personnel at a public or private school from doing any of the following to a minor:

- (1) Encouraging or coercing a minor to withhold from his parent or legal guardian any information that suggest the minor's perception of the minor's gender or sex is inconsistent with the minor's sex.
- (2) Withholding from a minor's parent or legal guardian information related to a minor's gender or sex that is inconsistent with the minor's sex.

Nothing in proposed law should alter the standard of care as provided for in present law for a healthcare provider who provides care to his patient.

Proposed law provides that any person who violates proposed law may, upon criminal conviction, be imprisoned, with or without hard labor, for not more than two years, and may be fined not more than \$10,000.

(Adds R.S. 40:1091.1-1091.5)