

1 SB219
2 205384-2
3 By Senators Shelnut, McClendon and Allen
4 RFD: Healthcare
5 First Read: 20-FEB-20

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8 SYNOPSIS: This bill would prohibit the performance of
9 a medical procedure or the prescription or issuance
10 of medication, upon or to a minor child, that is
11 intended to alter the minor child's gender or delay
12 puberty, with certain exceptions.

13 This bill would provide for the disclosure
14 of certain information concerning students to
15 parents by schools.

16 This bill would also establish criminal
17 penalties for violations.

18 Amendment 621 of the Constitution of Alabama
19 of 1901, now appearing as Section 111.05 of the
20 Official Recompilation of the Constitution of
21 Alabama of 1901, as amended, prohibits a general
22 law whose purpose or effect would be to require a
23 new or increased expenditure of local funds from
24 becoming effective with regard to a local
25 governmental entity without enactment by a 2/3 vote
26 unless: it comes within one of a number of
27 specified exceptions; it is approved by the

1 affected entity; or the Legislature appropriates
2 funds, or provides a local source of revenue, to
3 the entity for the purpose.

4 The purpose or effect of this bill would be
5 to require a new or increased expenditure of local
6 funds within the meaning of the amendment. However,
7 the bill does not require approval of a local
8 governmental entity or enactment by a 2/3 vote to
9 become effective because it comes within one of the
10 specified exceptions contained in the amendment.

11
12 A BILL
13 TO BE ENTITLED
14 AN ACT

15
16 Relating to public health; to prohibit the
17 performance of a medical procedure or the prescription or
18 issuance of medication, upon or to a minor child, that is
19 intended to alter the minor child's gender or delay puberty;
20 to provide for exceptions; to provide for disclosure of
21 certain information concerning students to parents by schools;
22 and to establish criminal penalties for violations; and in
23 connection therewith would have as its purpose or effect the
24 requirement of a new or increased expenditure of local funds
25 within the meaning of Amendment 621 of the Constitution of
26 Alabama of 1901, now appearing as Section 111.05 of the

1 Official Recompilation of the Constitution of Alabama of 1901,
2 as amended.

3 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

4 Section 1. This act shall be known and may be cited
5 as the Alabama Vulnerable Child Compassion and Protection Act
6 (V-CAP).

7 Section 2. The Legislature finds as follows:

8 (1) The long-term effects and safety of the
9 administration of puberty-blocking medications and cross sex
10 hormones to gender incongruent children have not been
11 rigorously studied. Absent rigorous studies showing their
12 long-term safety and positive benefits, their continued
13 administration to children constitutes dangerous and
14 uncontrolled human medical experimentation that may result in
15 grave and irreversible consequences to their physical and
16 mental health.

17 (2) Studies have shown that a substantial majority
18 of pre-pubescent children who claim a gender identity
19 different from their biological sex will ultimately identify
20 with their biological sex by young adulthood or sooner when
21 supported through their natural puberty. There is no
22 psychological or medical test that can differentiate between
23 the majority of children who will desist from their gender
24 incongruence and the minority who will not. Research suggests
25 that the administration of puberty-blocking medications or
26 cross-sex hormones forecloses the possibility of a natural
27 recovery from this condition.

1 (3) There are no rigorous studies that show that
2 gender changing therapies performed on children, including the
3 administration of puberty blocking medications, the
4 administration of opposite sex hormones, or surgeries intended
5 to approximate the appearance of the opposite sex have any
6 long term beneficial effect, including a reduction in suicide
7 risk. To the contrary, such interventions carry elevated risks
8 for sterility, loss of sexual function, bone fractures,
9 thromboembolic and cardiovascular disease, malignancy, and may
10 even contribute to mental illness and suicide.

11 (4) The continued performing of these therapies upon
12 children constitutes a public health risk.

13 (5) The police power of the state is held to embrace
14 reasonable regulations to protect the public health. That
15 authority over children is broader than that over adults.
16 *Jacobson v. Massachusetts*, 197 U.S. 11 (1905); *Prince v.*
17 *Massachusetts*, 321 U.S. 158 (1944).

18 Section 3. For the purposes of this act, the
19 following terms shall have the following meanings:

20 (1) MINOR. The same meaning as in Section 43-8-1,
21 Code of Alabama 1975.

22 (2) PERSON. Includes any of the following:

23 a. Any individual.

24 b. Any agent, employee, official, or contractor of
25 any legal entity.

1 c. Any agent, employee, official, or contractor of a
2 school district or the state or any of its political
3 subdivisions or agencies.

4 (3) SEX. The biological state of being male or
5 female, based on the individual's sex organs, chromosomes, and
6 endogenous hormone profiles.

7 Section 4. (a) Except as provided in subsection (b),
8 no person shall engage in, counsel, or make a referral for any
9 of the following practices upon a minor, and no person shall
10 cause any of the practices in this subsection to be performed
11 upon a minor if the practice is performed for the purpose of
12 attempting to affirm the minor's perception of his or her
13 gender or sex, if that perception is inconsistent with the
14 minor's biological sex as defined in this act:

15 (1) Prescribing, dispensing, administering, or
16 otherwise supplying puberty blocking medication to stop or
17 delay normal puberty.

18 (2) Prescribing, dispensing, administering, or
19 otherwise supplying supraphysiologic doses of testosterone or
20 other androgens to females.

21 (3) Prescribing, dispensing, administering, or
22 otherwise supplying supraphysiologic doses of estrogen to
23 males.

24 (4) Performing surgeries that sterilize, including
25 castration, vasectomy, hysterectomy, oophorectomy,
26 orchiectomy, and penectomy.

1 (5) Performing surgeries that artificially construct
2 tissue with the appearance of genitalia that differs from the
3 individual's biological sex, including metoidioplasty,
4 phalloplasty, and vaginoplasty.

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

7 (b) Subsection (a) does not apply to a procedure
8 undertaken to treat a minor born with a medically verifiable
9 disorder of sex development, including either of the
10 following:

11 (1) An individual born with external biological sex
12 characteristics that are irresolvably ambiguous, including an
13 individual born with 46 XX chromosomes with virilization, 46
14 XY chromosomes with under virilization, or having both ovarian
15 and testicular tissue.

16 (2) An individual whom a physician has otherwise
17 diagnosed with a disorder of sexual development, in which the
18 physician has determined through genetic or biochemical
19 testing that the person does not have normal sex chromosome
20 structure, sex steroid hormone production, or sex steroid
21 hormone action for a male or female.

22 (c) A violation of this section is a Class C felony.

23 Section 5. (a) No nurse, counselor, teacher,
24 principal, or other administrative official at a public or
25 private school attended by a minor shall do either of the
26 following:

1 (1) Encourage or coerce a minor to withhold from the
2 minor's parent or legal guardian the fact that the minor's
3 perception of his or her gender or sex is inconsistent with
4 the minor's sex.

5 (2) Withhold from a minor's parent or legal guardian
6 information that is relevant to the physical or mental health
7 of the minor, including information related to a minor's
8 perception that his or her gender or sex is inconsistent with
9 his or her sex.

10 (b) A violation of this section is a Class A
11 misdemeanor.

12 Section 6. Nothing in this section shall be
13 construed to establish a new or separate standard of care for
14 hospitals or physicians and their patients or otherwise
15 modify, amend, or supersede any provision of the Alabama
16 Medical Liability Act of 1987 or the Alabama Medical Liability
17 Act of 1996, or any amendment or judicial interpretation of
18 either act.

19 Section 7. If any part, section, or subsection of
20 this act or the application thereof to any person or
21 circumstances is held invalid, the invalidity shall not affect
22 parts, sections, subsections, or applications of this act that
23 can be given effect without the invalid part, section,
24 subsection, or application.

25 Section 8. Although this bill would have as its
26 purpose or effect the requirement of a new or increased
27 expenditure of local funds, the bill is excluded from further

1 requirements and application under Amendment 621, now
2 appearing as Section 111.05 of the Official ReCompilation of
3 the Constitution of Alabama of 1901, as amended, because the
4 bill defines a new crime or amends the definition of an
5 existing crime.

6 Section 9. This act shall become effective 30 days
7 following its passage and approval by the Governor, or its
8 otherwise becoming law.