

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

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4 ENGROSSED

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7 A BILL  
8 TO BE ENTITLED  
9 AN ACT

10  
11 Relating to public health; to prohibit the  
12 performance of a medical procedure or the prescription or  
13 issuance of medication, upon or to a minor child, that is  
14 intended to alter the minor child's gender or delay puberty;  
15 to provide for exceptions; to provide for disclosure of  
16 certain information concerning students to parents by schools;  
17 and to establish criminal penalties for violations; and in  
18 connection therewith would have as its purpose or effect the  
19 requirement of a new or increased expenditure of local funds  
20 within the meaning of Amendment 621 of the Constitution of  
21 Alabama of 1901, now appearing as Section 111.05 of the  
22 Official Recompilation of the Constitution of Alabama of 1901,  
23 as amended.

24 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

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

1                   Section 2. The Legislature finds as follows:

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

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

22                   (3) There are no rigorous studies that show that  
23 gender changing therapies performed on children, including the  
24 administration of puberty blocking medications, the  
25 administration of opposite sex hormones, or surgeries intended  
26 to approximate the appearance of the opposite sex have any  
27 long term beneficial effect, including a reduction in suicide

1 risk. To the contrary, such interventions carry elevated risks  
2 for sterility, loss of sexual function, bone fractures,  
3 thromboembolic and cardiovascular disease, malignancy, and may  
4 even contribute to mental illness and suicide.

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

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

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

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

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

17 a. Any individual.

18 b. Any agent, employee, official, or contractor of  
19 any legal entity.

20 c. Any agent, employee, official, or contractor of a  
21 school district or the state or any of its political  
22 subdivisions or agencies.

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

26 Section 4. (a) Except as provided in subsection (b),  
27 no person shall engage in, counsel, or make a referral for any

1 of the following practices upon a minor, and no person shall  
2 cause any of the practices in this subsection to be performed  
3 upon a minor if the practice is performed for the purpose of  
4 attempting to affirm the minor's perception of his or her  
5 gender or sex, if that perception is inconsistent with the  
6 minor's biological sex as defined in this act:

7 (1) Prescribing, dispensing, administering, or  
8 otherwise supplying puberty blocking medication to stop or  
9 delay normal puberty.

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

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

16 (4) Performing surgeries that sterilize, including  
17 castration, vasectomy, hysterectomy, oophorectomy,  
18 orchiectomy, and penectomy.

19 (5) Performing surgeries that artificially construct  
20 tissue with the appearance of genitalia that differs from the  
21 individual's biological sex, including metoidioplasty,  
22 phalloplasty, and vaginoplasty.

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

25 (b) Subsection (a) does not apply to a procedure  
26 undertaken to treat a minor born with a medically verifiable

1 disorder of sex development, including either of the  
2 following:

3 (1) An individual born with external biological sex  
4 characteristics that are irresolvably ambiguous, including an  
5 individual born with 46 XX chromosomes with virilization, 46  
6 XY chromosomes with under virilization, or having both ovarian  
7 and testicular tissue.

8 (2) An individual whom a physician has otherwise  
9 diagnosed with a disorder of sexual development, in which the  
10 physician has determined through genetic or biochemical  
11 testing that the person does not have normal sex chromosome  
12 structure, sex steroid hormone production, or sex steroid  
13 hormone action for a male or female.

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

15 Section 5. No nurse, counselor, teacher, principal,  
16 or other administrative official at a public or private school  
17 attended by a minor shall do either of the following:

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

22 (2) Withhold from a minor's parent or legal guardian  
23 information related to a minor's perception that his or her  
24 gender or sex is inconsistent with his or her sex.

25 Section 6. Nothing in this section shall be  
26 construed to establish a new or separate standard of care for  
27 hospitals or physicians and their patients or otherwise

1 modify, amend, or supersede any provision of the Alabama  
2 Medical Liability Act of 1987 or the Alabama Medical Liability  
3 Act of 1996, or any amendment or judicial interpretation of  
4 either act.

5 Section 7. If any part, section, or subsection of  
6 this act or the application thereof to any person or  
7 circumstances is held invalid, the invalidity shall not affect  
8 parts, sections, subsections, or applications of this act that  
9 can be given effect without the invalid part, section,  
10 subsection, or application.

11 Section 8. Although this bill would have as its  
12 purpose or effect the requirement of a new or increased  
13 expenditure of local funds, the bill is excluded from further  
14 requirements and application under Amendment 621, now  
15 appearing as Section 111.05 of the Official Recompilation of  
16 the Constitution of Alabama of 1901, as amended, because the  
17 bill defines a new crime or amends the definition of an  
18 existing crime.

19 Section 9. This act shall become effective 30 days  
20 following its passage and approval by the Governor, or its  
21 otherwise becoming law.

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Senate

Read for the first time and referred to the Senate committee on Healthcare.....	20-FEB-20
Reported from Healthcare as Favorable with 1 amendment.....	27-FEB-20
Read for the third time and passed as amended ....	05-MAR-20

Yeas 22  
Nays 3

Patrick Harris,  
Secretary.