

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.