

1 HB266
2 216600-1
3 By Representatives Allen, Stadthagen, Sorrells, Lipscomb,
4 Brown (C), Kiel, Marques, Sullivan, Mooney, Hanes, Whorton,
5 Holmes, Estes, Dismukes, Stringer, Meadows, Ingram, Pettus,
6 Sorrell, Fincher, Farley, Bedsole, Carns and Whitt
7 RFD: Judiciary
8 First Read: 03-FEB-22

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 appearance of the minor
12 child's gender or delay puberty, with certain
13 exceptions.

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

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

19 Amendment 621 of the Constitution of Alabama
20 of 1901, as amended by Amendment 890, now appearing
21 as Section 111.05 of the Official ReCompilation of
22 the Constitution of Alabama of 1901, as amended,
23 prohibits a general law whose purpose or effect
24 would be to require a new or increased expenditure
25 of local funds from becoming effective with regard
26 to a local governmental entity without enactment by
27 a 2/3 vote unless: it comes within one of a number

1 of specified exceptions; it is approved by the
2 affected entity; or the Legislature appropriates
3 funds, or provides a local source of revenue, to
4 the entity for the purpose.

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

12
13 A BILL
14 TO BE ENTITLED
15 AN ACT
16

17 Relating to public health; to prohibit the
18 performance of a medical procedure or the prescription of
19 medication, upon or to a minor child, that is intended to
20 alter the minor child's gender or delay puberty; to provide
21 for exceptions; to provide for disclosure of certain
22 information concerning students to parents by schools; and to
23 establish criminal penalties for violations; and in connection
24 therewith would have as its purpose or effect the requirement
25 of a new or increased expenditure of local funds within the
26 meaning of Amendment 621 of the Constitution of Alabama of
27 1901, as amended by Amendment 890, now appearing as Section

1 111.05 of the Official Recompilation of the Constitution of
2 Alabama of 1901, 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 and declares the
8 following:

9 (1) The sex of a person is the biological state of
10 being female or male, based on sex organs, chromosomes, and
11 endogenous hormone profiles, and is genetically encoded into a
12 person at the moment of conception, and it cannot be changed.

13 (2) Some individuals, including minors, may
14 experience discordance between their sex and their internal
15 sense of identity, and individuals who experience severe
16 psychological distress as a result of this discordance may be
17 diagnosed with gender dysphoria.

18 (3) The cause of the individual's impression of
19 discordance between sex and identity is unknown, and the
20 diagnosis is based exclusively on the individual's self-report
21 of feelings and beliefs.

22 (4) This internal sense of discordance is not
23 permanent or fixed, but to the contrary, numerous studies have
24 shown that a substantial majority of children who experience
25 discordance between their sex and identity will outgrow the
26 discordance once they go through puberty and will eventually
27 have an identity that aligns with their sex.

1 (5) As a result, taking a wait-and-see approach to
2 children who reveal signs of gender nonconformity results in a
3 large majority of those children resolving to an identity
4 congruent with their sex by late adolescence.

5 (6) Some in the medical community are aggressively
6 pushing for interventions on minors that medically alter the
7 child's hormonal balance and remove healthy external and
8 internal sex organs when the child expresses a desire to
9 appear as a sex different from his or her own.

10 (7) This course of treatment for minors commonly
11 begins with encouraging and assisting the child to socially
12 transition to dressing and presenting as the opposite sex. In
13 the case of prepubertal children, as puberty begins, doctors
14 then administer long-acting GnRH agonist (puberty blockers)
15 that suppress the pubertal development of the child. This use
16 of puberty blockers for gender nonconforming children is
17 experimental and not FDA-approved.

18 (8) After puberty blockade, the child is later
19 administered "cross-sex" hormonal treatments that induce the
20 development of secondary sex characteristics of the other sex,
21 such as causing the development of breasts and wider hips in
22 male children taking estrogen and greater muscle mass, bone
23 density, body hair, and a deeper voice in female children
24 taking testosterone. Some children are administered these
25 hormones independent of any prior pubertal blockade.

26 (9) The final phase of treatment is for the
27 individual to undergo cosmetic and other surgical procedures,

1 often to create an appearance similar to that of the opposite
2 sex. These surgical procedures may include a mastectomy to
3 remove a female adolescent's breasts and "bottom surgery" that
4 removes a minor's health reproductive organs and creates an
5 artificial form aiming to approximate the appearance of the
6 genitals of the opposite sex.

7 (10) For minors who are placed on puberty blockers
8 that inhibit their bodies from experiencing the natural
9 process of sexual development, the overwhelming majority will
10 continue down a path toward cross-sex hormones and cosmetic
11 surgery.

12 (11) This unproven, poorly studied series of
13 interventions results in numerous harmful effects for minors,
14 as well as risks of effects simply unknown due to the new and
15 experimental nature of these interventions.

16 (12) Among the known harms from puberty blockers is
17 diminished bone density; the full effect of puberty blockers
18 on brain development and cognition are yet unknown, though
19 reason for concern is now present. There is no research on the
20 long-term risks to minors of persistent exposure to puberty
21 blockers. With the administration of cross-sex hormones comes
22 increased risks of cardiovascular disease, thromboembolic
23 stroke, asthma, COPD, and cancer.

24 (13) Puberty blockers prevent gonadal maturation and
25 thus render patients taking these drugs infertile. Introducing
26 cross-sex hormones to children with immature gonads as a
27 direct result of pubertal blockade is expected to cause

1 irreversible sterility. Sterilization is also permanent for
2 those who undergo surgery to remove reproductive organs, and
3 such persons are likely to suffer through a lifetime of
4 complications from the surgery, infections, and other
5 difficulties requiring yet more medical intervention.

6 (14) Several studies demonstrate that hormonal and
7 surgical interventions often do not resolve the underlying
8 psychological issues affecting the individual. For example,
9 individuals who undergo cross-sex cosmetic surgical procedures
10 have been found to suffer from elevated mortality rates higher
11 than the general population. They experience significantly
12 higher rates of substance abuse, depression, and psychiatric
13 hospitalizations.

14 (15) Minors, and often their parents, are unable to
15 comprehend and fully appreciate the risk and life
16 implications, including permanent sterility, that result from
17 the use of puberty blockers, cross-sex hormones, and surgical
18 procedures.

19 (16) For these reasons, the decision to pursue a
20 course of hormonal and surgical interventions to address a
21 discordance between the individual's sex and sense of identity
22 should not be presented to or determined for minors who are
23 incapable of comprehending the negative implications and
24 life-course difficulties attending to these interventions.

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

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

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

4 a. Any individual.

5 b. Any agent, employee, official, or contractor of
6 any legal entity.

7 c. Any agent, employee, official, or contractor of a
8 school district or the state or any of its political
9 subdivisions or agencies.

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

13 Section 4. (a) Except as provided in subsection (b),
14 no person shall engage in or cause any of the following
15 practices to be performed upon a minor if the practice is
16 performed for the purpose of attempting to alter the
17 appearance of or affirm the minor's perception of his or her
18 gender or sex, if that appearance or perception is
19 inconsistent with the minor's sex as defined in this act:

20 (1) Prescribing or administering puberty blocking
21 medication to stop or delay normal puberty.

22 (2) Prescribing or administering supraphysiologic
23 doses of testosterone or other androgens to females.

24 (3) Prescribing or administering supraphysiologic
25 doses of estrogen to males.

1 (4) Performing surgeries that sterilize, including
2 castration, vasectomy, hysterectomy, oophorectomy,
3 orchiectomy, and penectomy.

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

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

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

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

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

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

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

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

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

11 Section 6. Except as provided for in Section 4,
12 nothing in this act shall be construed as limiting or
13 preventing psychologists, psychological technicians, and
14 master's level licensed mental health professionals from
15 rendering the services for which they are qualified by
16 training or experience involving the application of recognized
17 principles, methods, and procedures of the science and
18 profession of psychology and counseling.

19 Section 7. Nothing in this section shall be
20 construed to establish a new or separate standard of care for
21 hospitals or physicians and their patients or otherwise
22 modify, amend, or supersede any provision of the Alabama
23 Medical Liability Act of 1987 or the Alabama Medical Liability
24 Act of 1996, or any amendment or judicial interpretation of
25 either act.

26 Section 8. If any part, section, or subsection of
27 this act or the application thereof to any person or

1 circumstances is held invalid, the invalidity shall not affect
2 parts, sections, subsections, or applications of this act that
3 can be given effect without the invalid part, section,
4 subsection, or application.

5 Section 9. This act does not affect a right or duty
6 afforded to a licensed pharmacist by state law.

7 Section 10. Although this bill would have as its
8 purpose or effect the requirement of a new or increased
9 expenditure of local funds, the bill is excluded from further
10 requirements and application under Amendment 621, as amended
11 by Amendment 890, now appearing as Section 111.05 of the
12 Official Recompilation of the Constitution of Alabama of 1901,
13 as amended, because the bill defines a new crime or amends the
14 definition of an existing crime.

15 Section 11. This act shall become effective 30 days
16 following its passage and approval by the Governor, or its
17 otherwise becoming law.