

1 SB184  
2 216600-1  
3 By Senators Shelnutt and Allen  
4 RFD: Healthcare  
5 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.