

**First Regular Session
Seventy-Seventh General Assembly
STATE OF SAN ANDREAS**

REVISED

LLS NO. 26-0733.03 Kaylee Reiner x2739

HOUSE BILL 26-028

SENATE SPONSORSHIP

Quintana, Velasco

HOUSE SPONSORSHIP

Weiss, Willis

House Committees

Health & Human Services

Senate Committees

Health, Education & Human Capital

A BILL FOR AN ACT

CONCERNING ESTABLISHING PROTECTIONS FOR INTERSEX INFANTS AND CHILDREN.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <https://saleg.uscgov.com>)

This bill prohibits medically unnecessary surgical procedures intended to alter the sex characteristics of intersex infants and minors. The bill recognizes that such procedures are often irreversible and historically have been performed for social or cosmetic reasons before the individual is able to provide informed consent.

Shading denotes HOUSE amendment. Underlining denotes SENATE amendment.
*Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.*

Under this legislation, non-medically necessary procedures may not be performed on an intersex child, even with parental consent. Instead, individuals may choose whether to undergo such procedures once they reach 18 years of age and can provide informed consent for themselves.

The bill allows an exception for medically necessary procedures required to address life-threatening conditions or serious medical risks. The measure aims to protect bodily autonomy while ensuring necessary medical care remains available.

1 *Be it enacted by the General Assembly of the State of San*
2 *Andreas:*
3 **SECTION 1. SHORT TITLE.** This act shall be known and may
4 be referred to as the “Intersex Infant Protection Act.” **SECTION**
5 **2. LEGISLATIVE DECLARATION.** The General Assembly
6 hereby finds and declares that: (a) Intersex individuals are persons
7 born with physical sex characteristics that do not fit typical binary
8 definitions of male or female bodies. (b) Historically, infants born
9 with intersex traits have been subjected to surgical procedures
10 intended to alter their sex characteristics to conform with socially
11 constructed definitions of male or female anatomy. (c) Many such
12 procedures are performed during infancy or early childhood,
13 before the individual is capable of providing informed consent.
14 (d) Medical and social understanding of intersex people, gender
15 identity, and human biological diversity has evolved significantly
16 in recent decades. (e) Surgical interventions performed for
17 cosmetic or psychosocial purposes, rather than for immediate
18 medical necessity, may cause irreversible harm including damage
19 to skin tissue, loss of sexual function, psychological trauma,
20 infertility, and other lifelong complications. (f) Intersex
21 individuals have increasingly advocated for the right to bodily
22 autonomy and the ability to make their own medical decisions
23 regarding irreversible procedures affecting their bodies. (g) It is
24 the intent of the General Assembly to ensure that irreversible

1 surgical procedures altering the sex characteristics of intersex
2 infants or children are not performed without the informed
3 consent of the individual once they reach the age of majority. (h)
4 Nothing in this Act is intended to restrict medically necessary
5 procedures required to address life-threatening conditions or
6 serious medical complications. **SECTION 3. DEFINITIONS.** For
7 the purposes of this Act: (a) “Intersex” means a person born with
8 variations in sex characteristics, including chromosomes, gonads,
9 hormones, or genital anatomy, that do not conform to typical
10 definitions of male or female bodies. (b) “Sex characteristic
11 surgical procedure” means any surgical or medical intervention
12 intended to alter, remove, or reconstruct sex characteristics,
13 including genital or reproductive anatomy. (I) The term includes,
14 but is not limited to, clitoroplasty, vaginoplasty, phalloplasty,
15 orchidopexy when performed for cosmetic symmetry, and the
16 administration of hormonal therapy intended to induce puberty
17 conforming to a specific binary gender prior to the age of consent.
18 (c) “Medically necessary procedure” means a surgical or medical
19 intervention required to address a condition that poses an
20 immediate threat to the life or physical health of the individual,
21 such procedures include, but are not limited to, the treatment of
22 urinary tract obstructions, rectal atresia, or cancerous gonadal
23 tissue. (d) “Deferred sex characteristic procedure” means any
24 procedure performed primarily for cosmetic, social, or
25 gender-assignment purposes and not required to prevent death or
26 serious and immediate medical harm. **SECTION 4.**
27 **PROHIBITION ON NON-MEDICALLY NECESSARY**
28 **SURGERY.** (a) No physician, surgeon, hospital, or health-care
29 professional shall perform a Deferred sex characteristic procedure
30 on an intersex minor. (b) Consent from a parent, guardian, or
31 other individual shall not authorize a procedure prohibited under
32 this section. (c) Deferred sex characteristic procedures described
33 in subsection (a) may only be performed after the individual has

1 reached eighteen years of age and has provided informed consent.
2 (d) prior to performing any medically necessary procedure
3 authorized under section 5, the medical provider shall provide the
4 parents or guardians with information regarding independent
5 intersex patient advocacy organizations and peer support groups.
6 The provision of this information shall be documented in the
7 minor's medical record. **SECTION 5. MEDICAL NECESSITY**
8 **EXCEPTION.** (a) A surgical procedure may be performed on an
9 intersex minor if the procedure is medically necessary to: Prevent
10 imminent risk to the life of the child; Prevent serious and
11 irreversible physical harm; or Address a condition that requires
12 immediate medical intervention. A determination of medical
13 necessity shall not be based on psychological or social factors
14 relating to gender conformity or the presumed preferences of the
15 minor in adulthood. (b) The burden of demonstrating medical
16 necessity shall rest with the physician performing the procedure.
17 (c) Whenever practicable, a second independent physician, who is
18 not an affiliate or colleague of the performing physician shall
19 confirm the determination of medical necessity prior to the
20 procedure. (d) The Department of Health shall establish specific
21 medical billing codes for procedures performed under the medical
22 necessity exception. hospitals shall be subject to biennial audits to
23 ensure that procedures coded as "medically necessary" do not
24 circumvent the prohibitions established in section 4. **SECTION 6.**
25 **INFORMED CONSENT AFTER AGE OF MAJORITY.** (a) Upon
26 reaching eighteen years of age, an intersex individual may elect to
27 undergo any medical or surgical procedure related to their sex
28 characteristics. (b) Such procedures shall require informed
29 consent consistent with applicable state medical standards. (c)
30 Notwithstanding any other provision of law, all medical records,
31 including photographic and diagnostic imaging relating to the sex
32 characteristics of an intersex minor shall be preserved for a period
33 of not less than thirty years. an individual shall have the right to

1 access their full, unredacted medical records upon reaching the
2 age of eighteen. **SECTION 7. ENFORCEMENT.** (a) A violation
3 of this Act shall constitute unprofessional conduct under the laws
4 governing the licensing of medical professionals in the State of
5 San Andreas. (b) Any intersex individual subjected to a prohibited
6 procedure may bring a civil action against the person or entity that
7 performed or authorized the procedure. (I) if the individual is a
8 minor at the time of the discovery of the prohibited procedure, the
9 statute of limitations for such an action shall be tolled until the
10 individual reaches twenty-five (25) years of age. (c) Courts may
11 award damages, injunctive relief, and reasonable attorney fees to
12 prevailing plaintiffs. **SECTION 8. VIOLATIONS AND**
13 **PENALTIES.** (a) Professional Misconduct. Any physician,
14 surgeon, or licensed medical provider who knowingly performs a
15 sex characteristic surgical procedure prohibited under this Act
16 shall be deemed to have engaged in professional misconduct. (b)
17 Licensing Consequences. A violation of this Act shall constitute
18 grounds for disciplinary action by the State Medical Board,
19 including but not limited to: (I) Suspension of the physician's
20 license; (II) Revocation of the physician's license; (III)
21 Administrative fines; or (IV) Any other disciplinary measures
22 authorized under state law governing medical licensure. (c) Civil
23 Liability. Any person who performs or authorizes a prohibited
24 procedure under this Act shall be civilly liable to the individual
25 upon whom the procedure was performed. The court may award:
26 (I) Compensatory damages; (II) Statutory damages of not less
27 than twenty-five thousand dollars (\$25,000) per violation; (III)
28 Punitive damages where the violation was intentional or willful;
29 and (IV) Reasonable attorney fees and court costs. (d) Criminal
30 Penalty. A physician or medical provider who knowingly
31 performs a procedure prohibited under this Act commits a class C
32 felony. (e) Institutional Responsibility. A hospital, clinic, or
33 medical facility that knowingly permits or facilitates a violation of

1 this Act may be subject to civil penalties and regulatory sanctions
2 as determined by the Department of Health. **SECTION 8.5.**
3 **ADVISORY COUNCIL ON INTERSEX HEALTHCARE.** (a)
4 There is hereby created the advisory council on intersex
5 healthcare within the department of health. The council shall
6 consist of nine members, including: (I) three intersex individuals;
7 (II) two medical ethicists; (III) two pediatric specialists with
8 experience in intersex variations; and (IV) two representatives
9 from intersex advocacy organizations. (b) The council shall advise
10 the department on rulemaking, clinical guidelines, and the
11 evaluation of medical necessity standards. **SECTION 9.**
12 **RULEMAKING.** (a) The Department of Health may adopt rules
13 necessary to implement and enforce the provisions of this Act. (b)
14 The Department shall establish a system for the anonymized
15 collection of data regarding medically necessary procedures
16 performed on intersex minors pursuant to section 5. The data shall
17 include the specific medical justification for each procedure and
18 the age of the patient at the time of the intervention. **SECTION**
19 **9.5. MEDICAL EDUCATION AND TRAINING.** The
20 Department of Health, in consultation with intersex advocacy
21 organizations and medical ethicists, shall develop educational
22 materials for healthcare professionals regarding the care of
23 intersex individuals, the importance of bodily autonomy, and the
24 long-term physical and psychological impacts of nonconsensual
25 sex characteristic surgical procedures. **SECTION 10. SAFETY**
26 **CLAUSE.** The General Assembly finds this act necessary for the
27 immediate preservation of public peace, health, and safety, and
28 shall take effect on 12:01 a.m. the day following signature from
29 the governor.