

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

**ENGROSSED**

LLS NO. 26-0733.02 Kaylee Reiner x2739

**HOUSE BILL 26-028**

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**SENATE SPONSORSHIP**

**Quintana, Velasco**

**HOUSE SPONSORSHIP**

**Weiss, Willis**

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**House Committees**

Health & Human Services

**Senate Committees**

Not assigned

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**A BILL FOR AN ACT**

**CONCERNING ESTABLISHING PROTECTIONS FOR INTERSEX INFANTS AND CHILDREN.**

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**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.

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**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 cited as the “Intersex Infant Protection Act.” **SECTION 2.**  
**5** **LEGISLATIVE DECLARATION.** The General Assembly hereby  
**6** finds and declares that: (a) Intersex individuals are persons born  
**7** 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 social purposes, rather than for immediate medical  
**18** necessity, may cause irreversible harm including damage to skin  
**19** tissue, loss of sexual function, psychological trauma, infertility,  
**20** and other lifelong complications. (f) Intersex individuals have  
**21** increasingly advocated for the right to bodily autonomy and the  
**22** ability to make their own medical decisions regarding irreversible  
**23** procedures affecting their bodies. (g) It is the intent of the General  
**24** Assembly to ensure that irreversible surgical procedures altering

1 the sex characteristics of intersex infants or children are not  
2 performed without the informed consent of the individual once  
3 they reach legal adulthood. (h) Nothing in this Act is intended to  
4 restrict medically necessary procedures required to address  
5 life-threatening conditions or serious medical complications.

6 **SECTION 3. DEFINITIONS.** For the purposes of this Act: (a)  
7 “Intersex” means a person born with variations in sex  
8 characteristics, including chromosomes, gonads, hormones, or  
9 genital anatomy, that do not conform to typical definitions of male  
10 or female bodies. (b) “Sex characteristic surgical procedure”  
11 means any surgical or medical intervention intended to alter,  
12 remove, or reconstruct sex characteristics, including genital or  
13 reproductive anatomy. (I) The term includes, but is not limited to,  
14 clitoroplasty, vaginoplasty, phalloplasty, orchidopexy when  
15 performed for cosmetic symmetry, and the administration of  
16 hormonal therapy intended to induce puberty conforming to a  
17 specific binary gender prior to the age of consent. (c) “Medically  
18 necessary procedure” means a surgical or medical intervention  
19 required to address a condition that poses an immediate threat to  
20 the life or physical health of the individual, such procedures  
21 include, but are not limited to, the treatment of urinary tract  
22 obstructions, rectal atresia, or cancerous gonadal tissue. (d)  
23 “Non-medically necessary procedure” means any procedure  
24 performed primarily for cosmetic, social, or gender-assignment  
25 purposes and not required to prevent death or serious and  
26 immediate medical harm. **SECTION 4. PROHIBITION ON**  
27 **NON-MEDICALLY NECESSARY SURGERY.** (a) No physician,  
28 surgeon, hospital, or medical provider shall perform a  
29 non-medically necessary sex characteristic surgical procedure on  
30 an intersex minor. (b) Consent from a parent, guardian, or other  
31 individual shall not authorize a procedure prohibited under this  
32 section. (c) Non-medically necessary procedures described in  
33 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 anticipated 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 photographs, and diagnostic images 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 reckless;  
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 non-consensual  
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.