

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

INTRODUCED

LLS NO. 26-0733.01 Kaylee Reiner x2739

HOUSE BILL 26-028

SENATE SPONSORSHIP

Quintana, Velasco

HOUSE SPONSORSHIP

Weiss, Willis

House Committees

Not assigned

Senate Committees

Not assigned

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 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. (c) “Medically necessary procedure”
14 means a surgical or medical intervention required to address a
15 condition that poses an immediate threat to the life or physical
16 health of the individual. (d) “Non-medically necessary procedure”
17 means any procedure performed primarily for cosmetic, social, or
18 gender-assignment purposes and not required to prevent death or
19 serious and immediate medical harm. **SECTION 4.**
20 **PROHIBITION ON NON-MEDICALLY NECESSARY**
21 **SURGERY.** (a) No physician, surgeon, hospital, or medical
22 provider shall perform a non-medically necessary sex
23 characteristic surgical procedure on an intersex minor. (b) Consent
24 from a parent, guardian, or other individual shall not authorize a
25 procedure prohibited under this section. (c) Non-medically
26 necessary procedures described in subsection (a) may only be
27 performed after the individual has reached eighteen years of age
28 and has provided informed consent. **SECTION 5. MEDICAL**
29 **NECESSITY EXCEPTION.** (a) A surgical procedure may be
30 performed on an intersex minor if the procedure is medically
31 necessary to: Prevent imminent risk to the life of the child;
32 Prevent serious and irreversible physical harm; or Address a
33 condition that requires immediate medical intervention. (b) The

1 burden of demonstrating medical necessity shall rest with the
2 physician performing the procedure. (c) Whenever practicable, a
3 second independent physician shall confirm the determination of
4 medical necessity prior to the procedure. **SECTION 6.**
5 **INFORMED CONSENT AFTER AGE OF MAJORITY.** (a) Upon
6 reaching eighteen years of age, an intersex individual may elect to
7 undergo any medical or surgical procedure related to their sex
8 characteristics. (b) Such procedures shall require informed
9 consent consistent with applicable state medical standards.
10 **SECTION 7. ENFORCEMENT.** (a) A violation of this Act shall
11 constitute unprofessional conduct under the laws governing the
12 licensing of medical professionals in the State of San Andreas. (b)
13 Any intersex individual subjected to a prohibited procedure may
14 bring a civil action against the person or entity that performed or
15 authorized the procedure. (c) Courts may award damages,
16 injunctive relief, and reasonable attorney fees to prevailing
17 plaintiffs. **SECTION 8. VIOLATIONS AND PENALTIES.** (a)
18 **Professional Misconduct.** Any physician, surgeon, or licensed
19 medical provider who knowingly performs a sex characteristic
20 surgical procedure prohibited under this Act shall be deemed to
21 have engaged in professional misconduct. (b) **Licensing**
22 **Consequences.** A violation of this Act shall constitute grounds for
23 disciplinary action by the State Medical Board, including but not
24 limited to: (I) Suspension of the physician's license; (II)
25 Revocation of the physician's license; (III) Administrative fines;
26 or (IV) Any other disciplinary measures authorized under state
27 law governing medical licensure. (c) **Civil Liability.** Any person
28 who performs or authorizes a prohibited procedure under this Act
29 shall be civilly liable to the individual upon whom the procedure
30 was performed. The court may award: (I) Compensatory damages;
31 (II) Statutory damages of not less than twenty-five thousand
32 dollars (\$25,000) per violation; (III) Punitive damages where the
33 violation was intentional or reckless; and (IV) Reasonable

1 attorney fees and court costs. (d) Criminal Penalty. A physician or
2 medical provider who knowingly performs a procedure prohibited
3 under this Act commits a class C felony. (e) Institutional
4 Responsibility. A hospital, clinic, or medical facility that
5 knowingly permits or facilitates a violation of this Act may be
6 subject to civil penalties and regulatory sanctions as determined
7 by the Department of Health. **SECTION 9. RULEMAKING.** The
8 Department of Health may adopt rules necessary to implement
9 and enforce the provisions of this Act. **SECTION 10. SAFETY**
10 **CLAUSE.** The General Assembly finds this act necessary for the
11 immediate preservation of public peace, health, and safety, and
12 shall take effect on 12:01 a.m. the day following signature from
13 the governor.