

Senate File 538 - Enrolled

Senate File 538

AN ACT

RELATING TO PROHIBITED ACTIVITIES REGARDING GENDER TRANSITION
PROCEDURES RELATIVE TO MINORS, AND INCLUDING EFFECTIVE DATE
AND APPLICABILITY PROVISIONS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. NEW SECTION. 147.164 Gender transition
procedure-related activities — minors — prohibitions.

1. As used in this section:

a. "Gender" means the psychological, behavioral, social, and cultural aspects of being male or female.

b. "Health care professional" means a person who is licensed, certified, or otherwise authorized or permitted by the law of this state to administer health care in the ordinary course of business or in the practice of a profession.

c. "Minor" means an unemancipated person under eighteen years of age.

d. "Sex" means the biological indication of male and female, including sex chromosomes, naturally occurring sex hormones, gonads, and nonambiguous internal and external genitalia present at birth without regard to an individual's psychological, chosen, or subjective experience of gender.

2. *a.* Except as otherwise provided in paragraph "c", a health care professional shall not knowingly engage in or cause any of the following practices to be performed on a minor if the practice is performed for the purpose of attempting to alter the appearance of, or affirm the minor's perception of,

the minor's gender or sex, if that appearance or perception is inconsistent with the minor's sex.

(1) Prescribing or administering gonadotropin-releasing hormone analogues or other synthetic drugs used to stop luteinizing hormone and follicle-stimulating hormone secretion, synthetic antiandrogen drugs used to block the androgen receptor, or any drug to suppress or delay normal puberty.

(2) Prescribing or administering testosterone, estrogen, or progesterone to a minor in an amount greater than would normally be produced endogenously in a healthy individual of that individual's age and sex.

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

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

(5) Removing any healthy or nondiseased body part or tissue.

b. A health care professional shall not knowingly engage in conduct that aids or abets the practices described in paragraph "a". This paragraph shall not be construed to impose liability on any speech protected by federal or state law.

c. Paragraphs "a" and "b" do not apply to any of the following:

(1) Services provided to a minor born with a medically verifiable disorder of sex development, including a minor with external biological sex characteristics that are irresolvably ambiguous, such as a minor born with forty-six XX chromosomes with virilization, forty-six XY chromosomes with undervirilization, or having both ovarian and testicular tissue.

(2) Services provided to a minor who has otherwise been diagnosed with a disorder of sexual development by a physician, when the physician has determined through genetic or biochemical testing that the minor does not have a normal sex chromosome structure, sex steroid hormone production, or sex steroid hormone action for a biological male or biological female.

(3) The treatment of any infection, injury, disease, or disorder that has been caused or exacerbated by the performance of gender transition procedures, whether or not the procedures were performed in accordance with state and federal law.

(4) Any procedure undertaken because a minor suffers from a physical disorder, physical injury, or physical illness that is certified by a physician and that would place the minor in imminent danger of death or impairment of a major bodily function unless surgery is performed.

d. A violation of the prohibitions under paragraph "a" or "b" by a health care professional is considered unprofessional conduct and subject to licensee discipline by the appropriate licensing board or entity.

3. *a.* A person may assert an actual or threatened violation of this section as a claim or defense in a judicial or administrative proceeding and may obtain compensatory damages, injunctive relief, declaratory relief, or any other appropriate relief.

b. An action brought for a violation of this section shall be brought within two years after the cause of action accrues. However, a minor may bring an action during the minor's minority through a parent or legal guardian, and may bring an action in the minor's own name upon reaching majority and for twenty years after reaching majority.

c. Notwithstanding any other law to the contrary, an action under this section may be commenced, and relief may be granted, in a judicial proceeding without regard to whether the person commencing the action has sought or exhausted available administrative remedies. In an action or proceeding to enforce this section, a prevailing party may recover reasonable attorney fees.

d. The attorney general may bring an action to enforce this section.

e. Nothing in this section shall be construed to deny, impair, or otherwise affect any right or authority of the attorney general, the state, or any agency, officer, or employee of the state to institute or intervene in any proceeding.

f. Compliance with, or enforcement or implementation of,

this section shall not constitute a violation of any provision of chapter 216.

Sec. 2. EFFECTIVE DATE. This Act, being deemed of immediate importance, takes effect upon enactment.

Sec. 3. APPLICABILITY. The following applies one hundred eighty days after the effective date of this Act:

The provisions of the section of this Act enacting section 147.164, subsection 2, that prohibit a health care professional from knowingly engaging in or causing certain practices to be performed on a minor if the practice is performed for the purpose of attempting to alter the appearance of, or affirm the minor's perception of, the minor's gender or sex, if that appearance or perception is inconsistent with the minor's sex.

AMY SINCLAIR
President of the Senate

PAT GRASSLEY
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 538, Ninetieth General Assembly.

W. CHARLES SMITHSON
Secretary of the Senate

Approved _____, 2023

KIM REYNOLDS
Governor