

First Regular Session of the 123rd General Assembly (2023)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2022 Regular Session of the General Assembly.

## SENATE ENROLLED ACT No. 480

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AN ACT to amend the Indiana Code concerning professions and occupations.

*Be it enacted by the General Assembly of the State of Indiana:*

SECTION 1. IC 25-1-22 IS ADDED TO THE INDIANA CODE AS A **NEW CHAPTER** TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]:

**Chapter 22. Gender Transition Procedures for Minors**

**Sec. 1.** As used in this chapter, "gender" means the psychological, behavioral, social, and cultural aspects of being male or female.

**Sec. 2.** As used in this chapter, "gender reassignment surgery" means any medical or surgical service that seeks to surgically alter or remove healthy physical or anatomical characteristics or features that are typical for the individual's sex, in order to instill or create physiological or anatomical characteristics that resemble a sex different from the individual's sex, including genital gender reassignment surgery or nongenital gender reassignment surgery knowingly performed for the purpose of assisting an individual with a gender transition.

**Sec. 3.** As used in this chapter, "gender transition" means the process in which an individual shifts from identifying with and living as a gender that corresponds to his or her sex to identifying with and living as a gender different from his or her sex, and may involve social, legal, or physical changes.

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**Sec. 4. As used in this chapter, "gender transition hormone therapy" means:**

- (1) testosterone;**
- (2) estrogen; or**
- (3) progesterone;**

**given to an individual in an amount greater than would normally be produced endogenously in a healthy individual of that individual's age and sex.**

**Sec. 5. (a) As used in this chapter, "gender transition procedures" means any medical or surgical service, including physician's services, practitioner's services, inpatient and outpatient hospital services, or prescribed drugs related to gender transition, that seeks to:**

- (1) alter or remove physical or anatomical characteristics or features that are typical for the individual's sex; or**
- (2) instill or create physiological or anatomical characteristics that resemble a sex different from the individual's sex, including medical services that provide puberty blocking drugs, gender transition hormone therapy, or genital gender reassignment surgery or nongenital gender reassignment surgery knowingly performed for the purpose of assisting an individual with a gender transition.**

**(b) The term does not include the following:**

- (1) Medical or surgical services to an individual born with a medically verifiable disorder of sex development, including an individual with:**

- (A) external sex characteristics that are irresolvably ambiguous;**
- (B) forty-six (46) XX chromosomes with virilization;**
- (C) forty-six (46) XY chromosomes with undervirilization;**
- or**
- (D) both ovarian and testicular tissue.**

- (2) Medical or surgical services provided when a physician or practitioner has diagnosed a disorder or condition of sexual development that the physician or practitioner has determined through genetic or biochemical testing that the individual does not have normal sex chromosome structure, sex steroid hormone production, or sex steroid hormone action.**

- (3) The treatment of any infection, injury, disease, or disorder that has been caused by or exacerbated by the performance of gender transition procedures.**



(4) Any medical or surgical service undertaken because the individual suffers from a physical disorder, physical injury, or physical illness that would, as certified by a physician or practitioner, place the individual in imminent danger of death or impairment of major bodily function unless the medical or surgical service is performed.

(5) Mental health or social services other than gender transition procedures as defined in subsection (a).

(6) Services for a disorder or condition of sexual development that is unrelated to a diagnosis of gender dysphoria or gender identity disorder.

**Sec. 6.** As used in this chapter, "genital gender reassignment surgery" means a medical procedure knowingly performed for the purpose of assisting an individual with a gender transition, including the following:

(1) Surgical procedures, including a penectomy, orchiectomy, vaginoplasty, clitoroplasty, or vulvoplasty for a male sex patient or hysterectomy or ovariectomy for a female sex patient.

(2) Reconstruction of the fixed part of the urethra with or without a metoidioplasty.

(3) Phalloplasty, vaginectomy, scrotoplasty, or implantation of erection or testicular prostheses for a female sex patient.

**Sec. 7.** As used in this chapter, "minor" means an individual who is less than eighteen (18) years of age.

**Sec. 8.** As used in this chapter, "nongenital gender reassignment surgery" means medical procedures knowingly performed for the purpose of assisting an individual with a gender transition, including the following:

(1) Surgical procedures for a male sex patient, including augmentation mammoplasty, facial feminization surgery, liposuction, lipofilling, voice surgery, thyroid cartilage reduction, gluteal augmentation, hair reconstruction, or associated aesthetic procedures.

(2) Surgical procedures for a female sex patient, including subcutaneous mastectomy, voice surgery, liposuction, lipofilling, pectoral implants, or associated aesthetic procedures.

**Sec. 9.** As used in this chapter, "physician" means an individual who is licensed under IC 25-22.5.

**Sec. 10.** As used in this chapter, "practitioner" means an individual who provides health services and holds:



- (1) an unlimited license, certificate, or registration;
- (2) a limited or probationary license, certificate, or registration;
- (3) a temporary license, certificate, registration, or permit;
- (4) an intern permit; or
- (5) a provisional license;

issued by a board regulating the profession in question.

**Sec. 11.** As used in this chapter, "puberty blocking drugs" means:

- (1) gonadotropin releasing hormone analogues or other synthetic drugs used to stop luteinizing hormone and follicle stimulating hormone secretion; or
- (2) synthetic antiandrogen drugs used to block the androgen receptor;

when used for the purpose of assisting an individual with a gender transition.

**Sec. 12.** As used in this chapter, "sex" means the biological state of being male or female, based on the individual's sex organs, chromosomes, and endogenous hormone profiles.

**Sec. 13. (a)** Except as provided in subsections (c) and (d), a physician or other practitioner may not knowingly provide gender transition procedures to a minor.

(b) Except as provided in subsection (c), a physician or other practitioner may not aid or abet another physician or practitioner in the provision of gender transition procedures to a minor.

(c) This section does not prohibit a physician or other practitioner from providing any of the following to a minor:

- (1) Services to individuals born with a medically verifiable disorder of sex development, including an individual with external biological sex characteristics that are irresolvably ambiguous, including individuals born with forty-six (46) XX chromosomes with virilization, born with forty-six (46) XY chromosomes with undervirilization, or having both ovarian and testicular tissue.
- (2) Services provided when a physician or practitioner has diagnosed a disorder of sexual development that the physician or practitioner has determined through genetic or biochemical testing that the individual does not have normal sex chromosome structure, sex steroid hormone production, or sex steroid hormone action.
- (3) The treatment of any infection, injury, disease, or disorder that has been caused by or exacerbated by the performance of



gender transition procedures.

(4) Any medical or surgical service undertaken because the individual suffers from a physical disorder, physical injury, or physical illness that would, as certified by a physician or practitioner, place the individual in imminent danger of death or impairment of major bodily function unless the medical or surgical service is performed.

(d) A physician or practitioner within the practitioner's scope of practice may continue to prescribe to an individual, who was taking a gender transition hormone therapy on June 30, 2023, as part of a gender transition procedure, gender transition hormone therapy until December 31, 2023. This subsection expires January 1, 2024.

Sec. 14. Health care services furnished in the following situations may not include gender transition procedures to a minor:

(1) By or in a health care facility owned by the state, a county, or a municipality.

(2) By a physician or other practitioner employed by state, county, or local government.

Sec. 15. A physician or practitioner that takes any action that aids or abets another physician or practitioner in the provision of gender transition procedures for a minor violates the standards of practice under IC 25-1-9 and is subject to discipline by the board regulating the physician or practitioner.

Sec. 16. An:

(1) individual who has received gender transition procedures in violation of this chapter; or

(2) individual's parent or guardian;

may assert an actual or threatened violation of this chapter as a claim or defense in a judicial or administrative proceeding and may seek to obtain compensatory damages, injunctive relief, declaratory relief, or any other appropriate relief.

Sec. 17. (a) Except as provided in subsections (b) and (c), an individual must bring a claim for a violation of this chapter not more two (2) years after the day the cause of action accrues.

(b) A minor, through a parent, guardian, custodian, or next friend, may bring an action for a violation of this chapter.

(c) If an individual was less than eighteen (18) years of age when the cause of action for a violation of this chapter accrued, when the individual is eighteen (18) years of age or older, the individual may bring a cause of action at any time until the individual reaches



twenty-eight (28) years of age.

**Sec. 18. (a)** Notwithstanding any other law, an action under this chapter 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.

**(b)** In an action or proceeding to enforce a provision of this chapter, a prevailing party who establishes a violation of this chapter is entitled to recover reasonable attorney's fees.



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President of the Senate

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President Pro Tempore

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Speaker of the House of Representatives

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Governor of the State of Indiana

Date: \_\_\_\_\_ Time: \_\_\_\_\_

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