

The House Committee on Public and Community Health offers the following substitute to SB 30:

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 1 of Chapter 7 of Title 31 and Article 1 of Chapter 34 of Title 43 of the  
2 Official Code of Georgia Annotated, relating to regulation of hospitals and related  
3 institutions and the Georgia Composite Medical Board, respectively, so as to prohibit  
4 prescribing or administering certain hormone therapies and puberty-blocking medications  
5 for certain purposes to minors; to provide for definitions; to provide for exceptions; to  
6 provide for limited civil actions; to provide for related matters; to repeal conflicting laws; and  
7 for other purposes.

8 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

9 **SECTION 1.**

10 Article 1 of Chapter 7 of Title 31 of the Official Code of Georgia Annotated, relating to  
11 regulation of hospitals and related institutions, is amended by revising Code Section  
12 31-7-3.5, relating to treatment of minors for gender dysphoria and penalty for violations, as  
13 follows:

14 "31-7-3.5.

15 (a) As used in this Code section, the term:

16 (1) 'Hormone therapy' means therapy that adds, blocks, or removes hormones for the  
17 purpose of assisting a minor with attempting to alter such minor's sex or to alter the  
18 appearance of and affirm such minor's perception of his or her sex if such appearance and  
19 perception are inconsistent with such minor's sex. Such term includes, but is not limited  
20 to, the provision of supraphysiologic estrogen or progesterone to a minor who is male or  
21 supraphysiologic testosterone to a minor who is female, whether such hormones are  
22 biological, bioidentical, or synthetic.

23 (2) 'Puberty-blocking medication' means medication, whether biological, bioidentical,  
24 or synthetic, used to delay or suppress pubertal development in a minor for the purpose  
25 of assisting such minor with attempting to alter such minor's sex or to alter the  
26 appearance of and affirm such minor's perception of his or her sex if such appearance and  
27 perception are inconsistent with such minor's sex. Such term includes  
28 gonadotropin-releasing hormone analogues or other synthetic drugs used in males to stop  
29 luteinizing hormone secretion, and therefore testosterone production, and synthetic drugs  
30 used in females to stop the production of estrogen and progesterone.

31 (3) 'Sex' means the biological state of being male or female, in the context of  
32 reproductive potential or capacity, based on an individual's sex organs, chromosomes,  
33 naturally occurring sex hormones, gonads, and internal and external genitalia present at  
34 birth, including secondary sex characteristics.

35 (4) 'Sex reassignment surgery' means any surgical procedure that seeks to surgically alter  
36 or remove healthy or nondiseased physical or anatomical characteristics or features that  
37 are typical for an individual's sex in order to instill or create physiological or anatomical  
38 characteristics that resemble a sex different from a minor's sex. Such term means genital  
39 or nongenital surgery performed for the purpose of assisting a minor with attempting to  
40 alter such minor's sex or to alter the appearance of and affirm such minor's perception of  
41 his or her sex if such appearance and perception are inconsistent with such minor's sex.  
42 Such term includes, but is not limited to, castration, clitorrectomy, clitoroplasty,

43 hysterectomy, mammoplasty, mastectomy, metoidioplasty, oophorectomy, orchiectomy,  
44 penectomy, phalloplasty, vaginectomy, vaginoplasty, vasectomy, and vulvoplasty.

45 ~~(a)~~~~(b)~~ Except as provided in subsection ~~(b)~~ ~~(c)~~ of this Code section, ~~none of the following~~  
46 irreversible procedures or ~~therapies~~ irreversible or reversible treatments shall not be  
47 performed on a minor for the treatment of gender dysphoria and shall not be prescribed or  
48 administered to a minor if such procedure or treatment is performed, prescribed, or  
49 administered for the purpose of attempting to alter the appearance of and affirm such  
50 minor's perception of his or her sex if such appearance and perception are inconsistent with  
51 such minor's sex in an institution licensed pursuant to this article:

52 (1) Sex reassignment surgeries, or any other surgical procedures, that are performed for  
53 the purpose of altering primary or secondary ~~sexual~~ sex characteristics; ~~or~~

54 (2) Hormone ~~replacement~~ therapies that are prescribed or administered for the purpose  
55 of altering primary or secondary sex characteristics; or

56 (3) Puberty-blocking medications that are prescribed or administered for the purpose of  
57 delaying or suppressing puberty; provided, however, that puberty-blocking medications  
58 may be prescribed or administered to a minor if:

59 (A) Such minor has been diagnosed with gender dysphoria by two independent  
60 behavioral health professionals, including one licensed psychiatrist and one licensed  
61 psychiatrist or psychologist;

62 (B) The prescribing physician is a licensed physician who is board certified in  
63 pediatrics and board certified in either pediatric endocrinology or adolescent medicine  
64 and, prior to prescribing or administering any puberty-blocking medications, has  
65 conducted a comprehensive assessment of such minor's medical history, mental health,  
66 and any underlying conditions, such as autism spectrum disorder;

67 (C) All parents or legal guardians who have the legal authority to make such decisions  
68 on such minor's behalf provide written informed consent acknowledging the potential  
69 risks and benefits of and alternatives to puberty-blocking medications; provided,

70 however, that, if such parents or legal guardians do not consent to the prescription or  
71 administration of puberty-blocking medications to such minor and resolution is not  
72 provided in a parenting plan, either party may petition a court of competent jurisdiction  
73 to determine what is in the best interest of such minor and such court order shall be  
74 provided to the prescribing physician;

75 (D) The prescribing physician submits an annual treatment progress report to the  
76 Georgia Composite Medical Board for review; and

77 (E) Such minor undergoes quarterly psychological counseling throughout the course  
78 of such treatment.

79 ~~(b)~~(c) The provisions of subsection ~~(a)~~ (b) of this Code section shall not apply to treatment  
80 provided pursuant to an exception contained in subsection ~~(b)~~ (c) of Code  
81 Section 43-34-15.

82 ~~(c)~~(d) The department shall establish sanctions, by rule and regulation, for violations of  
83 this Code section up to and including the revocation of an institution's permit issued  
84 pursuant to Code Section 31-7-3.

85 (e) A minor's parent or legal guardian who has the legal authority to consent to medical  
86 treatment on behalf of such minor may bring a civil action against an institution in which  
87 a procedure or treatment is performed on or prescribed or administered to such minor in  
88 violation of this Code section, provided that such civil action shall be brought within two  
89 years of the date on which the violation occurred. An institution shall not be subject to  
90 civil liability under this Code section for the prescription or administration of  
91 puberty-blocking medications in accordance with the conditions provided for in  
92 subparagraphs (b)(3)(A) through (b)(3)(E) of this Code section."

93 **SECTION 2.**

94 Article 1 of Chapter 34 of Title 43 of the Official Code of Georgia Annotated, relating to the  
95 Georgia Composite Medical Board, is amended by revising Code Section 43-34-15, relating

96 to prohibition on certain therapies and procedures for treatment of gender dysphoria in  
97 minors, regulations, exceptions, and accountability, as follows:

98 "43-34-15.

99 (a) As used in this Code section, the term:

100 (1) 'Hormone therapy' means therapy that adds, blocks, or removes hormones for the  
101 purpose of assisting a minor with attempting to alter such minor's sex or to alter the  
102 appearance of and affirm such minor's perception of his or her sex if such appearance and  
103 perception are inconsistent with such minor's sex. Such term includes, but is not limited  
104 to, the provision of supraphysiologic estrogen or progesterone to a minor who is a male  
105 or supraphysiologic testosterone to a minor who is a female, whether such hormones are  
106 biological, bioidentical, or synthetic.

107 (2) 'Puberty-blocking medication' means medication, whether biological, bioidentical,  
108 or synthetic, used to delay or suppress pubertal development in a minor for the purpose  
109 of assisting such minor with attempting to alter such minor's sex or to alter the  
110 appearance of and affirm such minor's perception of his or her sex if such appearance and  
111 perception are inconsistent with such minor's sex. Such term includes  
112 gonadotropin-releasing hormone analogues or other synthetic drugs used in males to stop  
113 luteinizing hormone secretion, and therefore testosterone production, and synthetic drugs  
114 used in females to stop the production of estrogen and progesterone.

115 (3) 'Sex' means the biological state of being male or female, in the context of  
116 reproductive potential or capacity, based on an individual's sex organs, chromosomes,  
117 naturally occurring sex hormones, gonads, and internal and external genitalia present at  
118 birth, including secondary sex characteristics.

119 (4) 'Sex reassignment surgery' means any surgical procedure that seeks to surgically alter  
120 or remove healthy or nondiseased physical or anatomical characteristics or features that  
121 are typical for an individual's sex in order to instill or create physiological or anatomical  
122 characteristics that resemble a sex different from a minor's sex. Such term means genital

123 or nongenital surgery performed for the purpose of assisting a minor with attempting to  
124 alter such minor's sex or to alter the appearance of and affirm such minor's perception of  
125 his or her sex if such appearance and perception are inconsistent with such minor's sex.  
126 Such term includes, but is not limited to, castration, clitorrectomy, clitoroplasty,  
127 hysterectomy, mammoplasty, mastectomy, metoidioplasty, oophorectomy, orchiectomy,  
128 penectomy, phalloplasty, vaginectomy, vaginoplasty, vasectomy, and vulvoplasty.

129 ~~(a)~~(b) Except as otherwise provided in subsection ~~(b)~~ (c) of this Code section, the  
130 following irreversible procedures and ~~therapies performed on a minor for the treatment of~~  
131 ~~gender dysphoria are prohibited~~ irreversible or reversible treatments shall not be performed  
132 on and shall not be prescribed or administered to a minor by a physician if such procedure  
133 or treatment is performed, prescribed, or administered for the purpose of attempting to alter  
134 the appearance of and affirm such minor's perception of his or her sex if such appearance  
135 and perception are inconsistent with such minor's sex in this state:

- 136 (1) Sex reassignment surgeries, or any other surgical procedures, that are performed for  
137 the purpose of altering primary or secondary ~~sexual~~ sex characteristics; and
- 138 (2) Hormone ~~replacement~~ therapies that are prescribed or administered for the purpose  
139 of altering primary or secondary sex characteristics; or
- 140 (3) Puberty-blocking medications that are prescribed or administered for the purpose of  
141 delaying or suppressing puberty; provided, however, that puberty-blocking medications  
142 may be prescribed or administered to a minor if:
- 143 (A) Such minor has been diagnosed with gender dysphoria by two independent  
144 behavioral health professionals, including one licensed psychiatrist and one licensed  
145 psychiatrist or psychologist;
- 146 (B) The prescribing physician is a licensed physician who is board certified in  
147 pediatrics and board certified in either pediatric endocrinology or adolescent medicine  
148 and, prior to prescribing or administering any puberty-blocking medications, has

149 conducted a comprehensive assessment of such minor's medical history, mental health,  
150 and any underlying conditions, such as autism spectrum disorder;

151 (C) All parents or legal guardians who have the legal authority to make such decisions  
152 on such minor's behalf provide written informed consent acknowledging the potential  
153 risks and benefits of and alternatives to puberty-blocking medications; provided,  
154 however, that, if such parents or legal guardians do not consent to the prescription or  
155 administration of puberty-blocking medications to such minor and resolution is not  
156 provided in a parenting plan, either party may petition a court of competent jurisdiction  
157 to determine what is in the best interest of such minor and such court order shall be  
158 provided to the prescribing physician;

159 (D) The prescribing physician submits an annual treatment progress report to the  
160 Georgia Composite Medical Board for review; and

161 (E) Such minor undergoes quarterly psychological counseling throughout the course  
162 of such treatment.

163 ~~(b)~~(c) The board shall adopt rules and regulations regarding the prohibitions contained in  
164 subsection ~~(a)~~ (b) of this Code section, which shall contain limited exceptions for:

165 (1) Treatments for medical conditions other than gender dysphoria or for the purpose of  
166 sex reassignment where such treatments are deemed medically necessary;

167 (2) Treatments for individuals born with a medically verifiable disorder of sex  
168 development, including individuals born with ambiguous genitalia or chromosomal  
169 abnormalities resulting in ambiguity regarding the individual's biological sex;

170 (3) Treatments for individuals with partial androgen insensitivity syndrome; ~~and~~

171 (4) Continued treatment of minors who are, prior to July 1, 2023, being treated with  
172 irreversible hormone replacement therapies;

173 (5) Continued treatment of minors who are, prior to July 1, 2025, being treated with  
174 puberty-blocking medications; provided, however, that the conditions provided for in

175 subparagraphs (b)(3)(A) and (b)(3)(B) of this Code section shall not be required to be  
176 satisfied; and

177 (6) Other treatments consistent with the provisions of this Code section.

178 ~~(e)~~(d) A licensed physician who violates this Code section shall be held administratively  
179 accountable to the board for such violation.

180 (e) A minor's parent or legal guardian who has the legal authority to consent to medical  
181 treatment on behalf of such minor may bring a civil action against a physician who  
182 performed, prescribed, or administered a procedure or treatment on such minor in violation  
183 of this Code section, provided that such civil action shall be brought within two years of  
184 the date on which the violation occurred. A physician shall not be subject to civil liability  
185 under this Code section for prescribing or administering puberty-blocking medications in  
186 accordance with the conditions provided for in subparagraphs (b)(3)(A) through (b)(3)(E)  
187 of this Code section."

188 **SECTION 3.**

189 All laws and parts of laws in conflict with this Act are repealed.