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HOUSE BILL 808
Committee Substitute Favorable 5/2/23
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Short Title: Surgical Gender Trans./Minors.

(Public)

Sponsors:

Referred to:

April 19, 2023

1 A BILL TO BE ENTITLED
2 AN ACT TO ESTABLISH GOVERNING STANDARDS FOR THE PROVISION OF
3 SURGICAL GENDER TRANSITION PROCEDURES TO PERSONS UNDER
4 EIGHTEEN YEARS OF AGE.

5 The General Assembly of North Carolina enacts:

6 SECTION 1.(a) Chapter 90 of the General Statutes is amended by adding a new
7 Article to read:

8 "Article 1M.

9 "Surgical Gender Transition Procedures on Minors.

10 "§ 90-21.140. Definitions.

11 The following definitions apply in this Article:

- 12 (1) Biological sex. – The biological indication of male and female in the context
13 of reproductive potential or capacity, such as sex chromosomes, naturally
14 occurring sex hormones, gonads, and nonambiguous internal and external
15 genitalia present at birth, without regard to an individual's psychological,
16 chosen, or subjective experience of gender.
- 17 (2) Gender. – The psychological, behavioral, social, and cultural aspects of being
18 male or female.
- 19 (3) Gender reassignment surgery. – Any medical or surgical service that seeks to
20 surgically alter or remove healthy physical or anatomical characteristics or
21 features that are typical for the individual's biological sex, in order to instill or
22 create physiological or anatomical characteristics that resemble a sex different
23 from the individual's biological sex, including a genital or non-genital gender
24 reassignment surgery as defined in this section.
- 25 (4) Gender transition. – The process in which a person goes from identifying with
26 and living as a gender that corresponds to his or her biological sex to
27 identifying with and living as a gender different from his or her biological sex,
28 and may involve social, legal, or physical changes.
- 29 (5) Genital gender reassignment surgery. – A gender reassignment surgery
30 performed for the purpose of assisting an individual with a gender transition,
31 including, without limitation, any of the following:
- 32 a. Surgical procedures such as penectomy, orchiectomy, vaginoplasty,
33 clitoroplasty, or vulvoplasty for biologically male patients or
34 hysterectomy or ovariectomy for biologically female patients.



- 1 b. Reconstruction of the fixed part of the urethra with or without a
2 metoidioplasty.
- 3 c. Phalloplasty, vaginectomy, scrotoplasty, or implantation of erection or
4 testicular prostheses for biologically female patients.
- 5 (6) Health care provider. – A person who is licensed, certified, or otherwise
6 authorized by the laws of this State to administer health care in the ordinary
7 course of the practice of his or her profession.
- 8 (7) Minor. – An individual who is younger than 18 years of age.
- 9 (8) Non-genital gender reassignment surgery. – A gender reassignment surgery
10 performed for the purpose of assisting an individual with a gender transition,
11 including, without limitation, any of the following:
- 12 a. Surgical procedures for biologically male patients, such as
13 augmentation mammoplasty, facial feminization surgery, liposuction,
14 lipofilling, voice surgery, thyroid cartilage reduction, gluteal
15 augmentation, hair reconstruction, or various aesthetic procedures.
- 16 b. Surgical procedures for biologically female patients, such as
17 subcutaneous mastectomy, voice surgery, liposuction, lipofilling,
18 pectoral implants, or various aesthetic procedures.
- 19 (9) Physician. – An individual licensed to practice medicine under Article 1A of
20 Chapter 90 of the General Statutes.
- 21 (10) Surgical gender transition procedure. – Any surgical service, including,
22 without limitation, genital gender reassignment surgery and non-genital
23 reassignment surgery, physician's services, and inpatient and outpatient
24 hospital services related to gender transition, that seeks to do any of the
25 following for the purpose of effecting a gender transition:
- 26 a. Alter or remove physical or anatomical characteristics or features that
27 are typical for the individual's biological sex.
- 28 b. Instill or create physiological or anatomical characteristics that
29 resemble a sex different from the individual's biological sex.

30 **§ 90-21.141. Limitations on surgical gender transition procedures.**

31 (a) Notwithstanding any other provision of law, it shall be unlawful for any physician or
32 other health care provider to provide surgical gender transition procedures to any individual
33 under 18 years of age, except as provided in this Article. A physician or other health care provider
34 shall not refer any individual under 18 years of age to any health care provider for surgical gender
35 transition procedures.

36 (b) A physician or other health care provider shall not be prohibited from providing any
37 of the following procedures to a minor:

- 38 (1) Services to persons born with a medically verifiable disorder of sex
39 development, including a person with external biological sex characteristics
40 that are unresolvedly ambiguous, such as those born with 46 XX
41 chromosomes with virilization, 46 XY chromosomes with under-virilization,
42 or having both ovarian and testicular tissue.
- 43 (2) Services provided when a physician has otherwise diagnosed a disorder of
44 sexual development that the physician has determined through genetic or
45 biochemical testing that the person does not have normal sex chromosome
46 structure, sex steroid hormone production, or sex steroid hormone action.
- 47 (3) The treatment of any infection, injury, disease, or disorder that has been
48 caused by or exacerbated by the performance of gender transition procedures,
49 whether or not the gender transition procedure was performed in accordance
50 with State and federal law.
- 51 (4) Breast reduction procedures for a female patient causing a physical disorder.

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

5 (6) Any procedure, including those listed in G.S. 90-21.140(8), which a treating
6 physician certifies is medically necessary to treat a physiological condition.

7 (c) A State, county, or local health care facility, physician, or health care provider shall
8 not perform surgical gender transition procedures for a minor, except as provided in this Article.

9 (d) Nothing in this Article shall be construed to require a physician or health care provider
10 to perform a surgical gender transition procedure."

11 **SECTION 1.(b)** Article 6 of Chapter 143C of the General Statutes is amended by
12 adding a new section to read:

13 "**§ 143C-6-5.6. Limitation on use of State funds for gender transition procedures.**

14 No State funds may be used, directly or indirectly, for the performance of or in furtherance
15 of gender transition procedures for individuals under 18 years of age, or to support the
16 administration of any governmental health plan or government-offered insurance policy offering
17 gender transition procedures to individuals under 18 years of age."

18 **SECTION 2.** This act becomes effective October 1, 2023.