

## **BILL ANALYSIS**

H.B. 1399  
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Public Health  
Committee Report (Unamended)

### **BACKGROUND AND PURPOSE**

It has been suggested that it is not appropriate for a physician to assist a minor experiencing gender dysphoria to transition their gender. H.B. 1399 seeks to prevent a physician from performing a surgery on or prescribing certain medications to a minor for this purpose.

### **CRIMINAL JUSTICE IMPACT**

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

### **RULEMAKING AUTHORITY**

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

### **ANALYSIS**

H.B. 1399 amends the Health and Safety Code to prohibit a physician or other health care provider from doing any of the following for the purpose of transitioning the biological sex of a child younger than 18 years of age as determined by the child's sex organs, chromosomes, and endogenous profiles or affirming the child's perception of their sex that is inconsistent with their biological sex:

- performing a surgery that sterilizes the child, including specified procedures set out by the bill;
- performing a mastectomy;
- providing, administering, prescribing, or dispensing certain specified prescription drugs that induce transient or permanent infertility; or
- removing any otherwise healthy or non-diseased body part or tissue.

That prohibition does not apply to the provision by a physician or health care provider, with the consent of the child's parent or legal guardian, of appropriate and medically necessary gender transitioning or gender reassignment procedures or treatments to a child who is born with a medically verifiable genetic disorder of sex development or who does not have the normal sex chromosome structure for male or female as determined by a physician through genetic testing.

H.B. 1399 amends the Insurance Code to prohibit a professional liability insurance policy issued to a physician or health care provider from including coverage for damages assessed against the physician or health care provider who provides to a child prohibited gender transitioning or gender reassignment procedures or treatments. That prohibition applies only to a policy that is delivered, issued for delivery, or renewed on or after January 1, 2022.

H.B. 1399 amends the Occupations Code to establish that a physician or an applicant for a medical license commits a prohibited practice that subjects the physician or applicant to license denial and disciplinary action if, for the purpose of facilitating the gender transition or treating

the gender dysphoria of an unemancipated minor, the physician or applicant does any of the following:

- provides, administers, prescribes, or dispenses a puberty suppression or blocking prescription drug or cross-sex hormone to the minor, including by writing a false or fictitious prescription; or
- performs or attempts to perform a surgical intervention on the minor.

The bill establishes that a physician or applicant for a license to practice medicine does not commit a prohibited practice if the physician or applicant provides a puberty suppression or blocking prescription drug to an unemancipated minor for the purpose of normalizing puberty for a minor experiencing precocious puberty.

**EFFECTIVE DATE**

September 1, 2021.