

Introduced Version

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Key: **Green** = existing Code. **Red** = new code to be enacted

WEST VIRGINIA LEGISLATURE
2023 REGULAR SESSION
Introduced
House Bill 2007

BY DELEGATES FOSTER, CHIARELLI, HORST, CLARK, DEVAULT, COOP-GONZALEZ, BROOKS, KIRBY, MAYNOR, ADKINS, AND
WARD

[Introduced January 12, 2023; Referred to the Committee on Health and Human Resources then the Judiciary]

A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated **§30-3-20**; and to amend said code by adding thereto a new section, designated **§30-14-17**, all relating to prohibiting certain medical practices.

Be it enacted by the Legislature of West Virginia:

ARTICLE 3. WEST VIRGINIA MEDICAL PRACTICE ACT.

§30-3-20. Prohibited practice.

(a) For the purposes of this section:

"Biological sex" means the biological indication of male and female in the context of reproductive potential or capacity, such as 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 or gender.

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

"Gender transition" means the process in which a person goes from identifying with and living as a gender that corresponds to the person's biological sex to identifying with and living as a gender different from the person biological sex and may involve social, legal or physical changes.

"Irreversible gender reassignment surgery" means a medical procedure performed for the purpose of assisting an individual with a gender transition, including any of the following:

(1) Penectomy, orchiectomy, vaginoplasty, clitoroplasty, or vulvoplasty for biologically male patients or hysterectomy or ovariectomy for biologically female patients;

(2) Metoidioplasty, Phalloplasty, vaginectomy, scrotoplasty implantation of erection or testicular prostheses for biologically female patients; and

(3) Augmentation mammoplasty for biological male patient and subcutaneous mastectomy for female patients.

(b) A physician may not provide irreversible gender reassignment surgery to a person who is under eighteen years of age.

(c) A physician may provide any of the following to a person who is under 18 years of age:

(1) Services to an individual born with a medically verifiable disorder of sex development, including a person with external biological sex characteristics that are irresolvably ambiguous such as being born with forty-six xx chromosomes with virilization or forty-six xy chromosomes with undervirilization or having both ovarian and testicular tissue;

(2) Services provided when a physician has otherwise diagnosed a disorder of sexual development and has determined through genetic or biochemical testing that the person 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 whether or not the gender transition procedure was performed in accordance with state and federal law; and

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

ARTICLE 14. OSTEOPATHIC PHYSICIANS AND SURGEONS.

§30-14-17. Prohibited practice.

(a) For the purposes of this section:

"Biological sex" means the biological indication of male and female in the context of reproductive potential or capacity, such as 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 or gender.

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

"Gender transition" means the process in which a person goes from identifying with and living as a gender that corresponds to the person's biological sex to identifying with and living as a gender different from the person biological sex and may involve social, legal or physical changes.

"Irreversible gender reassignment surgery" means a medical procedure performed for the purpose of assisting an individual with a gender transition, including any of the following:

(1) Penectomy, orchiectomy, vaginoplasty, clitoroplasty, or vulvoplasty for biologically male patients or hysterectomy or ovariectomy for biologically female patients;

(2) Metoidioplasty, Phalloplasty, vaginectomy, scrotoplasty implantation of erection or testicular prostheses for biologically female patients; and

(3) Augmentation mammoplasty for biological male patient and subcutaneous mastectomy for female patients.

(b) A physician may not provide irreversible gender reassignment surgery to a person who is under eighteen years of age.

(c) A physician may provide any of the following to a person who is under 18 years of age:

(1) Services to an individual born with a medically verifiable disorder of sex development, including a person with external biological sex characteristics that are irresolvably ambiguous such as being born with forty-six xx chromosomes with virilization or forty-six xy chromosomes with undervirilization or having both ovarian and testicular tissue;

(2) Services provided when a physician has otherwise diagnosed a disorder of sexual development and has determined through genetic or biochemical testing that the person 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 whether or not the gender transition procedure was performed in accordance with state and federal law; and

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

NOTE: The purpose of this bill is to prohibit certain medical practices.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.