



March 24, 2023

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# ENGROSSED HOUSE BILL No. 1569

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DIGEST OF HB 1569 (Updated March 21, 2023 11:46 am - DI 140)

**Citations Affected:** IC 11-10.

**Synopsis:** Restrictions on DOC provision of gender therapy. Provides that the department of correction may not authorize the payment of any money, the use of any state resources, or the payment of any federal money administered by the state to provide or facilitate the provision of sexual reassignment surgery to an offender patient.

**Effective:** July 1, 2023.

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## Mayfield, King

(SENATE SPONSOR — DONATO)

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January 19, 2023, read first time and referred to Committee on Courts and Criminal Code.  
February 9, 2023, amended, reported — Do Pass.  
February 13, 2023, read second time, ordered engrossed.  
February 14, 2023, engrossed. Read third time, passed. Yeas 68, nays 24.

SENATE ACTION

February 27, 2023, read first time and referred to Committee on Corrections and Criminal Law.  
March 23, 2023, reported favorably — Do Pass.

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EH 1569—LS 7080/DI 92





March 24, 2023

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.

## ENGROSSED HOUSE BILL No. 1569

A BILL FOR AN ACT to amend the Indiana Code concerning corrections.

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

1 SECTION 1. IC 11-10-3-1 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 1. ~~As used in~~ **The**  
3 **following definitions apply throughout** this chapter:

4 **(1) "Offender patient" means an individual incarcerated at a**  
5 **facility operated by the department.**

6 **(2) "Physician" means an individual holding a license to practice**  
7 **medicine in Indiana, issued by the medical licensing board of**  
8 **Indiana, or a medical officer of the United States government who**  
9 **is in Indiana performing his official duties.**

10 **(3) "Psychiatrist" means a physician who is certified or board**  
11 **qualified by the American Board of Psychiatry and Neurology, or**  
12 **a board with equivalent standards approved by the American**  
13 **Osteopathic Association.**

14 **(4) "Psychologist" means an individual holding a valid certificate**  
15 **to practice psychology in Indiana, issued by the state psychology**  
16 **board.**

17 **(5) "Qualified medical personnel" means individuals engaged in**

EH 1569—LS 7080/DI 92



the delivery of a medical or health care service who have been licensed, certified, or otherwise properly qualified under the laws of Indiana applicable to that particular service.

**(6) "Sexual reassignment surgery" means performing any of the following surgical procedures for the purpose of attempting to alter the appearance of, or affirm the offender patient's perception of, his or her gender or sex, if that appearance or perception is inconsistent with the offender patient's sex:**

**(A) Surgeries that sterilize, including castration, vasectomy, hysterectomy, oophorectomy, orchiectomy, and penectomy.**

**(B) Surgeries that artificially construct tissue with the appearance of genitalia that differs from the offender patient's sex, including metoidioplasty, phalloplasty, and vaginoplasty.**

**(C) Removing any healthy or non-diseased body part or tissue.**

SECTION 2. IC 11-10-3-3.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2023]: **Sec. 3.5. (a) The department may not authorize the payment of any money, the use of any state resources, or the payment of any federal money administered by the state to provide or facilitate sexual reassignment surgery to an offender patient.**

**(b) This section does not apply to offender patients approved by the department for sexual reassignment surgery prior to July 1, 2023.**



## COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1569, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 4 through 9.

Page 1, line 10, delete "(2)" and insert **"(1)"**.

Page 1, line 11, delete "department who:" and insert **"department."**.

Page 1, delete lines 12 through 16.

Page 1, line 17, delete "(3)" and insert **"(2)"**.

Page 2, line 4, delete "(4)" and insert **"(3)"**.

Page 2, line 8, delete "(5)" and insert **"(4)"**.

Page 2, line 11, delete "(6)" and insert **"(5)"**.

Page 2, delete lines 15 through 20, begin a new line block indented and insert:

**"(6) "Sexual reassignment surgery" means performing any of the following surgical procedures for the purpose of attempting to alter the appearance of, or affirm the offender patient's perception of, his or her gender or sex, if that appearance or perception is inconsistent with the offender patient's sex:**

**(A) Surgeries that sterilize, including castration, vasectomy, hysterectomy, oophorectomy, orchiectomy, and penectomy.**

**(B) Surgeries that artificially construct tissue with the appearance of genitalia that differs from the offender patient's sex, including metoidioplasty, phalloplasty, and vaginoplasty.**

**(C) Removing any healthy or non-diseased body part or tissue."**

Page 2, line 23, after "Sec. 3.5." insert **"(a)"**.

Page 2, line 25, delete "facilitate the" and insert **"facilitate"**.

Page 2, line 26, delete "provision of hormonal therapy or".

Page 2, after line 27, begin a new paragraph and insert:

**"(b) This section does not apply to offender patients approved by the department for sexual reassignment surgery prior to July 1, 2023."**

and when so amended that said bill do pass.

(Reference is to HB 1569 as introduced.)



MCNAMARA

Committee Vote: yeas 10, nays 3.

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COMMITTEE REPORT

Madam President: The Senate Committee on Corrections and Criminal Law, to which was referred House Bill No. 1569, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is to HB 1569 as printed February 9, 2023.)

FREEMAN, Chairperson

Committee Vote: Yeas 5, Nays 2

**EH 1569—LS 7080/DI 92**

