



March 21, 2023

ENGROSSED

SENATE BILL No. 480

DIGEST OF SB 480 (Updated March 21, 2023 12:55 pm - DI 140)

Citations Affected: IC 25-1.

Synopsis: Gender transition procedures for minors. Prohibits a physician or other practitioner from: (1) knowingly providing gender transition procedures to an individual who is less than 18 years of age (minor); and (2) aiding or abetting another physician or practitioner in the provision of gender transition procedures to a minor. Specifies certain medical exceptions. Establishes civil enforcement actions.

Effective: July 1, 2023.

**Johnson T, Charbonneau, Byrne,
Donato, Doriot, Gaskill, Buck,
Freeman, Raatz, Zay, Walker G,
Messmer, Sandlin, Rogers, Tomes,
Niemeyer, Buchanan, Alexander,
Crane, Young M**

(HOUSE SPONSORS — KING, DAVIS, TESHKA)

January 19, 2023, read first time and referred to Committee on Health and Provider Services.

February 23, 2023, amended, reported favorably — Do Pass.

February 27, 2023, read second time, amended, ordered engrossed.

February 28, 2023, engrossed. Read third time, passed. Yeas 36, nays 12.

HOUSE ACTION

March 6, 2023, read first time and referred to Committee on Public Health.

March 21, 2023, reported — Do Pass.

ES 480—LS 7334/DI 147



March 21, 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 SENATE BILL No. 480

A BILL FOR AN ACT to amend the Indiana Code concerning professions and occupations.

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

1 SECTION 1. IC 25-1-22 IS ADDED TO THE INDIANA CODE AS
2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2023]:

4 **Chapter 22. Gender Transition Procedures for Minors**

5 **Sec. 1. As used in this chapter, "gender" means the**
6 **psychological, behavioral, social, and cultural aspects of being male**
7 **or female.**

8 **Sec. 2. As used in this chapter, "gender reassignment surgery"**
9 **means any medical or surgical service that seeks to surgically alter**
10 **or remove healthy physical or anatomical characteristics or**
11 **features that are typical for the individual's sex, in order to instill**
12 **or create physiological or anatomical characteristics that resemble**
13 **a sex different from the individual's sex, including genital gender**
14 **reassignment surgery or nongenital gender reassignment surgery**
15 **knowingly performed for the purpose of assisting an individual**
16 **with a gender transition.**

17 **Sec. 3. As used in this chapter, "gender transition" means the**

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process in which an individual shifts from identifying with and living as a gender that corresponds to his or her sex to identifying with and living as a gender different from his or her sex, and may involve social, legal, or physical changes.

Sec. 4. As used in this chapter, "gender transition hormone therapy" means:

- (1) testosterone;
- (2) estrogen; or
- (3) progesterone;

given to an individual in an amount greater than would normally be produced endogenously in a healthy individual of that individual's age and sex.

Sec. 5. (a) As used in this chapter, "gender transition procedures" means any medical or surgical service, including physician's services, practitioner's services, inpatient and outpatient hospital services, or prescribed drugs related to gender transition, that seeks to:

- (1) alter or remove physical or anatomical characteristics or features that are typical for the individual's sex; or
- (2) instill or create physiological or anatomical characteristics that resemble a sex different from the individual's sex, including medical services that provide puberty blocking drugs, gender transition hormone therapy, or genital gender reassignment surgery or nongenital gender reassignment surgery knowingly performed for the purpose of assisting an individual with a gender transition.

(b) The term does not include the following:

- (1) Medical or surgical services to an individual born with a medically verifiable disorder of sex development, including an individual with:

- (A) external sex characteristics that are irresolvably ambiguous;
- (B) forty-six (46) XX chromosomes with virilization;
- (C) forty-six (46) XY chromosomes with undervirilization;
- or
- (D) both ovarian and testicular tissue.

- (2) Medical or surgical services provided when a physician or practitioner has diagnosed a disorder or condition of sexual development that the physician or practitioner has determined through genetic or biochemical testing that the individual does not have normal sex chromosome structure, sex steroid hormone production, or sex steroid hormone



1 action.

2 (3) The treatment of any infection, injury, disease, or disorder
3 that has been caused by or exacerbated by the performance of
4 gender transition procedures.

5 (4) Any medical or surgical service undertaken because the
6 individual suffers from a physical disorder, physical injury, or
7 physical illness that would, as certified by a physician or
8 practitioner, place the individual in imminent danger of death
9 or impairment of major bodily function unless the medical or
10 surgical service is performed.

11 (5) Mental health or social services other than gender
12 transition procedures as defined in subsection (a).

13 (6) Services for a disorder or condition of sexual development
14 that is unrelated to a diagnosis of gender dysphoria or gender
15 identity disorder.

16 Sec. 6. As used in this chapter, "genital gender reassignment
17 surgery" means a medical procedure knowingly performed for the
18 purpose of assisting an individual with a gender transition,
19 including the following:

20 (1) Surgical procedures, including a penectomy, orchiectomy,
21 vaginoplasty, clitoroplasty, or vulvoplasty for a male sex
22 patient or hysterectomy or ovariectomy for a female sex
23 patient.

24 (2) Reconstruction of the fixed part of the urethra with or
25 without a metoidioplasty.

26 (3) Phalloplasty, vaginectomy, scrotoplasty, or implantation
27 of erection or testicular prostheses for a female sex patient.

28 Sec. 7. As used in this chapter, "minor" means an individual
29 who is less than eighteen (18) years of age.

30 Sec. 8. As used in this chapter, "nongenital gender reassignment
31 surgery" means medical procedures knowingly performed for the
32 purpose of assisting an individual with a gender transition,
33 including the following:

34 (1) Surgical procedures for a male sex patient, including
35 augmentation mammoplasty, facial feminization surgery,
36 liposuction, lipofilling, voice surgery, thyroid cartilage
37 reduction, gluteal augmentation, hair reconstruction, or
38 associated aesthetic procedures.

39 (2) Surgical procedures for a female sex patient, including
40 subcutaneous mastectomy, voice surgery, liposuction,
41 lipofilling, pectoral implants, or associated aesthetic
42 procedures.



1 **Sec. 9.** As used in this chapter, "physician" means an individual
2 who is licensed under IC 25-22.5.

3 **Sec. 10.** As used in this chapter, "practitioner" means an
4 individual who provides health services and holds:

- 5 (1) an unlimited license, certificate, or registration;
- 6 (2) a limited or probationary license, certificate, or
7 registration;
- 8 (3) a temporary license, certificate, registration, or permit;
- 9 (4) an intern permit; or
- 10 (5) a provisional license;

11 issued by a board regulating the profession in question.

12 **Sec. 11.** As used in this chapter, "puberty blocking drugs"
13 means:

- 14 (1) gonadotropin releasing hormone analogues or other
15 synthetic drugs used to stop luteinizing hormone and follicle
16 stimulating hormone secretion; or
- 17 (2) synthetic antiandrogen drugs used to block the androgen
18 receptor;

19 when used for the purpose of assisting an individual with a gender
20 transition.

21 **Sec. 12.** As used in this chapter, "sex" means the biological state
22 of being male or female, based on the individual's sex organs,
23 chromosomes, and endogenous hormone profiles.

24 **Sec. 13. (a)** Except as provided in subsections (c) and (d), a
25 physician or other practitioner may not knowingly provide gender
26 transition procedures to a minor.

27 (b) Except as provided in subsection (c), a physician or other
28 practitioner may not aid or abet another physician or practitioner
29 in the provision of gender transition procedures to a minor.

30 (c) This section does not prohibit a physician or other
31 practitioner from providing any of the following to a minor:

- 32 (1) Services to individuals born with a medically verifiable
33 disorder of sex development, including an individual with
34 external biological sex characteristics that are irresolvably
35 ambiguous, including individuals born with forty-six (46) XX
36 chromosomes with virilization, born with forty-six (46) XY
37 chromosomes with undervirilization, or having both ovarian
38 and testicular tissue.
- 39 (2) Services provided when a physician or practitioner has
40 diagnosed a disorder of sexual development that the physician
41 or practitioner has determined through genetic or
42 biochemical testing that the individual 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.

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

(d) A physician or practitioner within the practitioner's scope of practice may continue to prescribe to an individual, who was taking a gender transition hormone therapy on June 30, 2023, as part of a gender transition procedure, gender transition hormone therapy until December 31, 2023. This subsection expires January 1, 2024.

Sec. 14. Health care services furnished in the following situations may not include gender transition procedures to a minor:

(1) By or in a health care facility owned by the state, a county, or a municipality.

(2) By a physician or other practitioner employed by state, county, or local government.

Sec. 15. A physician or practitioner that takes any action that aids or abets another physician or practitioner in the provision of gender transition procedures for a minor violates the standards of practice under IC 25-1-9 and is subject to discipline by the board regulating the physician or practitioner.

Sec. 16. An:

(1) individual who has received gender transition procedures in violation of this chapter; or

(2) individual's parent or guardian;

may assert an actual or threatened violation of this chapter as a claim or defense in a judicial or administrative proceeding and may seek to obtain compensatory damages, injunctive relief, declaratory relief, or any other appropriate relief.

Sec. 17. (a) Except as provided in subsections (b) and (c), an individual must bring a claim for a violation of this chapter not more two (2) years after the day the cause of action accrues.

(b) A minor, through a parent, guardian, custodian, or next friend, may bring an action for a violation of this chapter.



1 (c) If an individual was less than eighteen (18) years of age when
2 the cause of action for a violation of this chapter accrued, when the
3 individual is eighteen (18) years of age or older, the individual may
4 bring a cause of action at any time until the individual reaches
5 twenty-eight (28) years of age.

6 Sec. 18. (a) Notwithstanding any other law, an action under this
7 chapter may be commenced, and relief may be granted, in a
8 judicial proceeding without regard to whether the person
9 commencing the action has sought or exhausted available
10 administrative remedies.

11 (b) In an action or proceeding to enforce a provision of this
12 chapter, a prevailing party who establishes a violation of this
13 chapter is entitled to recover reasonable attorney's fees.



COMMITTEE REPORT

Madam President: The Senate Committee on Health and Provider Services, to which was referred Senate Bill No. 480, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 1, delete lines 5 through 13.

Page 1, line 14, delete "2." and insert "1."

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

Page 2, line 9, delete "4." and insert "3."

Page 2, between lines 13 and 14, begin a new paragraph and insert:

"Sec. 4. As used in this chapter, "gender transition hormone therapy" means:

(1) testosterone;

(2) estrogen; or

(3) progesterone;

given to an individual in an amount greater than would normally be produced endogenously in a healthy individual of that individual's age and sex."

Page 2, line 16, delete "physician's services," and insert **"physician's services, practitioner's services,"**.

Page 2, delete lines 23 through 24.

Page 2, line 25, delete "opposite sex," and insert **"drugs, gender transition hormone therapy,"**.

Page 2, line 30, delete "Services" and insert **"Medical or surgical services"**.

Page 2, line 38, delete "Services" and insert **"Medical or surgical services"**.

Page 2, line 38, after "physician" insert **"or practitioner"**.

Page 2, line 39, after "disorder" insert **"or condition"**.

Page 2, line 39, after "physician" insert **"or practitioner"**.

Page 3, line 5, delete "procedure" and insert **"medical or surgical service"**.

Page 3, line 7, delete "physician," and insert **"physician or practitioner,"**.

Page 3, line 9, delete "surgery" and insert **"the medical or surgical service"**.

Page 3, between lines 9 and 10, begin a new line block indented and insert:

"(5) Mental health or social services other than gender transition procedures as defined in subsection (a).



(6) Services for a disorder or condition of sexual development that is unrelated to a diagnosis of gender dysphoria or gender identity disorder."

Page 4, line 9, delete "in a male sex individual".

Page 4, line 10, delete "secretion and testosterone" and insert **"and follicle stimulating hormone"**.

Page 4, delete lines 11 through 14, begin a new line block indented and insert:

"(2) synthetic antiandrogen drugs used to block the androgen receptor;

when used for the purpose of assisting an individual with a gender transition."

Page 4, line 22, delete "refer a minor to any practitioner for gender" and insert **"aid or abet another physician or practitioner in the provision of gender transition procedures to a minor."**

Page 4, delete line 23.

Page 4, line 25, delete "procedures".

Page 4, line 34, after "physician" insert **"or practitioner"**.

Page 4, line 35, after "physician" insert **"or practitioner"**.

Page 5, line 1, delete "procedure" and insert **"medical or surgical service"**.

Page 5, line 3, delete "physician," and insert **"physician or practitioner,"**.

Page 5, line 5, delete "surgery" and insert **"the medical or surgical service"**.

Page 5, line 6, after "physician" insert **"or practitioner within the practitioner's scope of practice"**.

Page 5, line 7, delete "cross sex hormone" and insert **"gender transition hormone therapy"**.

Page 5, line 8, delete "cross sex hormones" and insert **"gender transition hormone therapy"**.

Page 5, delete lines 17 through 20, begin a new paragraph and insert:

"Sec. 15. A physician or practitioner that takes any action that aids or abets another physician or practitioner in the provision of gender transition procedures for a minor violates the standards of practice under IC 25-1-9 and is subject to discipline by the board regulating the physician or practitioner."

Page 5, line 34, delete "thirty-eight (38)" and insert **"twenty-eight (28)"**.

and when so amended that said bill do pass.



(Reference is to SB 480 as introduced.)

CHARBONNEAU, Chairperson

Committee Vote: Yeas 8, Nays 3.

SENATE MOTION

Madam President: I move that Senate Bill 480 be amended to read as follows:

Page 5, line 30, delete "A person may" and insert "**An:**

(1) individual who has received gender transition procedures in violation of this chapter; or

(2) individual's parent or guardian;
may".

Page 6, delete lines 10 through 15.

(Reference is to SB 480 as printed February 24, 2023.)

BROWN L

COMMITTEE REPORT

Mr. Speaker: Your Committee on Public Health, to which was referred Senate Bill 480, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill do pass.

(Reference is to SB 480 as reprinted February 28, 2023.)

BARRETT

Committee Vote: Yeas 8, Nays 5

