

Transgender Healthcare for Minors

Background Information Prepared for the Utah Legislature's Health and Human Services Interim Committee

by the Office of Legislative Research and General Counsel
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Information in this document:

- Prohibiting Gender-Affirming Medical Care for Youth
(Source: [UCLA School of Law Williams Institute](#))
- Summary of State Policies
(Source: [MAP LGBTQ Policy Spotlight: Efforts to ban health care for transgender youth](#))
- 2021 State Legislation
(This information compiled by LRGCC and was gathered from several sources. Primary sources were state legislature websites and the [National Center for Transgender Equality](#))

Prohibiting Gender-Affirming Medical Care for Youth

Source: UCLA School of Law Williams Institute

(<https://williamsinstitute.law.ucla.edu/publications/bans-trans-youth-health-care/>. April 2021)

****Note from LRGC Staff: This analysis was compiled in April 2021. A significant development in May 2021 was Tennessee passing SB 126.**

This legislative session, lawmakers in 21 states introduced bills to deny gender-affirming medical care to transgender youth. To date, one state, Arkansas, has passed legislation denying gender-affirming care for youth and nine other states are still considering these bills:

Alabama, Florida, Louisiana, Missouri, Montana, North Carolina, South Carolina, Tennessee, and Texas. Access to gender-affirming care is in jeopardy for an estimated 45,100 transgender youth across these ten states. State-specific estimates of the numbers of at-risk youth are provided in the table below.

Most of these bills propose to make it a crime or a cause for professional discipline for medical providers to deliver gender-affirming care to minors. Bills in Louisiana, Missouri, North Carolina, South Carolina, Tennessee, and Texas also include penalties for parents who encourage or facilitate minors' access to gender-affirming medical care. In three other states—Alabama, Louisiana, and South Carolina—school employees would be prohibited from withholding information about a child being transgender from that child's parents, while a similar requirement proposed in North Carolina would apply to all state employees. The bill passed in Arkansas, and bills under consideration in Louisiana, Montana, North Carolina, and Tennessee, would allow individuals to file civil suits for damages against medical providers who violate these laws. Bills in Arkansas and Montana provide mechanisms for the state Attorneys General to file suit against medical providers to enforce compliance.

Finally, three states have included insurance-related provisions within their proposed bills. In Texas, one set of bills would prohibit professional liability policies for medical providers from providing coverage for damages related to providing gender-affirming medical care to a minor. Arkansas's bill prohibits health plans from covering reimbursement for gender-affirming medical care provided to minors under the age of 18 and does not require insurance plans to provide coverage for gender-affirming medical care—regardless of the beneficiary's age. North Carolina's bill prohibits the use of state funds to provide gender-affirming care or support the administration of governmental health plans that provide coverage for such care.

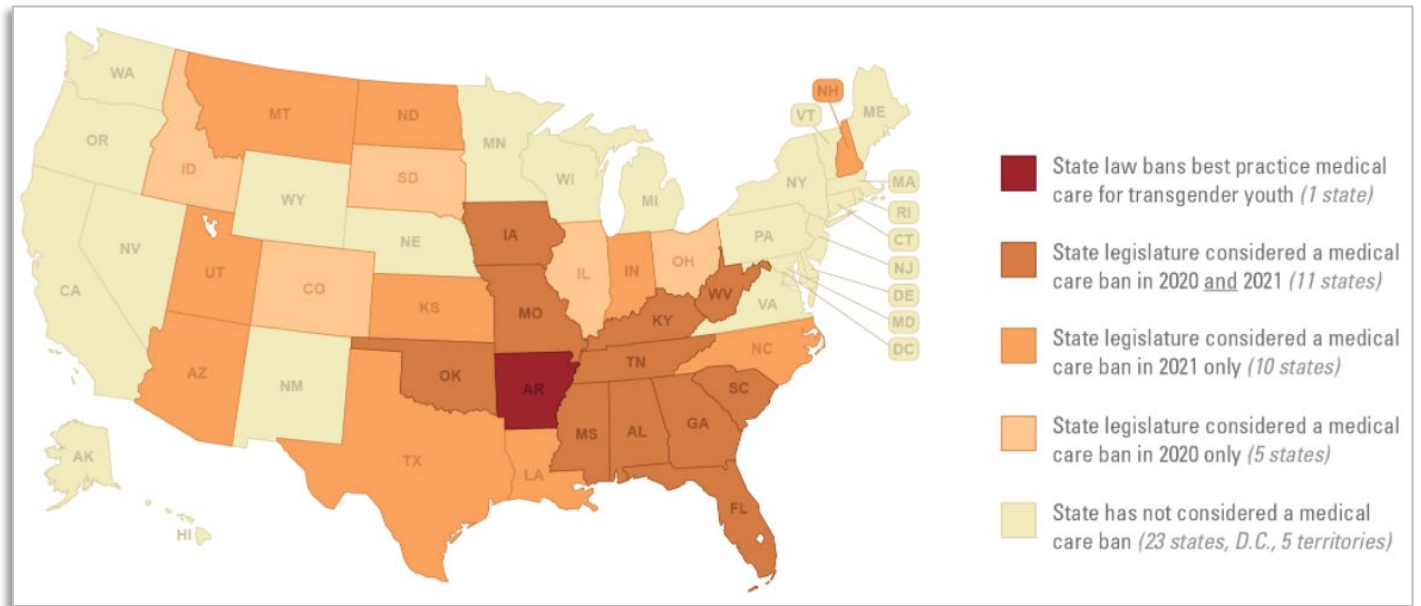
Gender-affirming medical care is recommended for transgender youth by the American Academy of Pediatrics and the Endocrine Society and is viewed by the American Academy of Child and Adolescent Psychiatry (AACAP) and the American Psychiatric Association (APA) as evidence-based patient care (AACAP, 2019; APA, 2021; Hembree et al., 2017; Rafferty, 2018). Gender-affirming medical care includes the use of hormones to delay puberty and to promote physical development that is consistent with a child's gender identity (their internal sense of who they are). Research shows that gender-affirming care improves mental health and overall well-being for transgender people (Cornell, 2017), including youth. A recent study published in *Pediatrics* found that access to

pubertal suppression treatment was associated with lower odds of lifetime suicidal ideation among transgender adults (Turban et al., 2020). Similarly, a study by the Williams Institute concluded that risk of past-year suicide attempts was lower among transgender people who wanted and received gender-affirming medical care (Herman, 2019). More generally, research indicates that efforts to support transgender youth in living according to their internal sense of gender is associated with better mental health and feelings of safety at school, while efforts to change the gender identity of transgender people (i.e., conversion therapy) are associated with suicidality (Clark et al., 2014; McGuire et al., 2010; Russell et al., 2018; Simons et al., 2013; Turban et al., 2019; Wilson et al., 2016).






Transgender Treatment for Minors: Summary of State Policies

Source: [Movement Advancement Project](#), April 2021

****Note from LRGC Staff: This analysis was compiled in April 2021. A significant development in May 2021 was Tennessee passing SB 126.**



**Table 1: Proposed Legislation Would Criminalize Healthcare Providers—And Sometimes Parents—
for Providing Best Practice Medical Care to Transgender Youth**
Examples of Penalties Under Legislation Proposed in 2021

	Charging Healthcare Providers with a Crime, Including Felony 	Revoking Professional License or other Disciplinary Actions 	Charging Healthcare Providers with Fines or Civil Penalties 	Creating a Civil Action, Allowing Individuals to Sue Medical Providers 	Consequences for Parents, Including Being Charged With Criminal Child Abuse 
Alabama	✓				✓
Arkansas	✓	✓		✓	
Arizona	✓				
Florida	✓				
Georgia	✓	✓			
Iowa		✓	✓	✓	
Indiana	✓	✓		✓	
Kansas	✓				
Kentucky		✓		✓	
Louisiana	✓		✓	✓	
Missouri		✓			✓
Mississippi		✓	✓		
Montana		✓	✓	✓	
North Carolina		✓	✓	✓	
New Hampshire					✓
Oklahoma	✓	✓	✓		✓
South Carolina	✓				✓
Tennessee	✓	✓		✓	✓
Texas	✓	✓			✓
Utah		✓			
West Virginia	✓		✓		

2021 State Legislation

Sources: (This information compiled by LRGC and was gathered from several sources. Primary sources were state legislature websites and the [National Center for Transgender Equality](#))

ST	BILL	TITLE/SUMMARY	STATUS
AL	HB 1 (2021)	Vulnerable Child Compassion and Protection Act, prohibits gender change therapy for minors, prohibits withholding of certain related information from parents.	Pending (Failed/stalled)
	SB 10 (2021)	Vulnerable Child Compassion and Protection Act, prohibits gender change therapy for minors, prohibits withholding of certain related information from parents	Pending (Failed/stalled)
AZ	SB 1511 (2021)	Child; vulnerable adult; abuse	Pending (Failed/stalled)
AR	HB 1570 (2021)	Bans doctors from providing any "gender transition procedures" to transgender people under 18, defined as any medical or surgical service that alters a person's sex, including puberty blockers, hormone therapy, and sex reassignment surgery. The bill also prohibits doctors from referring patients to other providers for such treatment. It does not include a grandfather clause for minors undergoing treatment at the time of the ban. The bill contains specific exceptions to the ban on medical services for intersex medical interventions or patients dealing with complications from previous gender-related medical treatment. Doctors who provide treatment in violation of the ban can be sued for damages or professionally sanctioned. HB 1570 also bans the use of public funds for and prohibits insurance from covering gender transition procedures.	Enacted
	SB 347 (2021)	To Create The Vulnerable Child Protection Act; And To Prohibit Gender Reassignment Services For Minors.	Pending (Failed/stalled)
FL	H 0935 (2021)	An act relating to youth gender and sexual identity; defining the term "sex"; providing criminal penalties for health care practitioners who perform or cause specified practices to be performed on a minor under certain conditions; providing applicability; providing an exception to participation in intramural athletics; prohibiting certain students from participating on specified high school athletic teams; providing an effective date.	Pending (Failed/stalled)

ST	BILL	TITLE/SUMMARY	STATUS
GA	HB 401 (2021)	Relating to health, so as to prohibit certain licensed, certified, or registered professionals from engaging in certain acts upon minors; to provide for a short title; to provide for definitions; to provide for exceptions; to provide for a penalty and private cause of action; to explicitly waive sovereign immunity, qualified immunity, and official immunity for such a private cause of action; to provide for related matters; to provide for an effective date and applicability; to repeal conflicting laws; and for other purposes.	Pending
IN	HB 1505 (2021)	Minors transitioning to the opposite sex. Prohibits specified health care professionals from: (1) performing certain medical procedures on a minor; or (2) subjecting a minor to certain activities; with the intent of assisting the minor to physically transition to a gender that is inconsistent with the minor's biological sex.	Pending (Failed/stalled)
	SB 0224 (2021)	Prohibited services relating to care of minors. Prohibits specified health care professionals from: (1) performing certain medical procedures on a minor; or (2) subjecting a minor to certain activities; that purposely attempt to change, reinforce, or affirm a minor's perception of the minor's own sexual attraction or sexual behavior, or attempt to change, reinforce, or affirm a minor's gender identity when the identity is inconsistent with the minor's biological sex.	Pending (Failed/stalled)
IA	HF 193 (2021)	A bill for an act relating to actions relative to treatment or intervention regarding the discordance between a minor's sex and gender identity, and providing civil penalties.	Pending
	HF 327 (2021)	A bill for an act relating to treatment or intervention involving a minor diagnosed with gender dysphoria, and providing for licensee discipline and civil penalties.	Pending
KS	HB 2210 (2021)	Making it a crime for a doctor to perform gender reassignment surgery or hormone replacement therapy on minors.	Pending
	SB 214 (2021)	Making it a crime for a physician to perform gender reassignment surgery or hormone replacement therapy on certain children.	Pending

ST	BILL	TITLE/SUMMARY	STATUS
KY	HB 477 (2021)	Prohibit administering transgender healthcare services on a minor patient without the written consent of the parent or guardian.	Pending
	HB 336 (2021)	Create a new section of KRS Chapter 438 to prohibit medical professionals from performing surgeries or prescribing medications to a minor with the intent to alter the sex the child was assigned at birth and create a civil cause of action for violations; create a new section of KRS Chapter 405 regarding parental rights in the area of gender identity or gender dysphoria; create a new section of KRS Chapter 61 to create employee protections for public employees who express opinions regarding gender identity or gender dysphoria.	Pending
	SB 174 (2021)	Add exclusions relating to a parent's or guardian's actions from the definition of "abused or neglected child."	Pending
	SB 83 (2021)	Prohibit discrimination against medical care providers who decline to perform procedures that violate their conscience; grant providers the right not to participate in or pay for services that violate their conscience; exempt providers from liability for exercising these rights; establish a civil cause of action for persons injured by violations of these provisions.	Pending
LA	HB 575 (2021)	Restricts prescribing and dispensing of certain drugs to delay puberty and prohibits withholding of certain information from the minor's parent or legal guardian	Pending
	SB 104 (2021)	Relative to minors and medical and therapeutic procedures and practices; to provide relative to gender therapy; to provide relative to consent; to prohibit consent by a minor to gender therapy; to require parental or other consent under certain circumstances; to provide certain definitions, terms, procedures, conditions, requirements, prohibitions, and effects; and to provide for related matters.	Pending
MS	SB 2171 (2021)	The Transgender 21 Act, would prohibit medical professionals from performing certain gender confirming procedures on minors under 21-years-old.	Pending (Failed/stalled)
MO	HB 33 (2021)	Adds section relating to transition-related care for children under eighteen years of age, with penalty provision	Pending (Failed/stalled)
	SB 442 (2021)	Modifies provisions relating to gender reassignment treatment for children	Pending (Failed/stalled)

ST	BILL	TITLE/SUMMARY	STATUS
MT	HB 113 (2021)	An act providing for youth health protection; Prohibiting certain medications and medical procedures for the treatment of gender dysphoria in minors; And establishing a civil penalty for health care providers providing prohibited treatment providing for enforcement.	Pending (Failed/stalled)
	HB 427 (2021)	An act providing for youth health protection laws; prohibiting surgical procedures for the treatment of gender dysphoria in minors; providing enforcement; And providing definitions.	Pending (Failed/stalled)
NH	HB 68 (2021)	Relative to the definition of child abuse; Ban on healthcare for trans youth that would punish doctors for providing medically recognized standards of care	Pending
NC	S 514 (2021)	An Act to protect minors from administration of puberty blockers and cross-sex hormones and other related actions, procedures, and treatments.	Pending
OK	SB 583 (2021)	An Act relating to health services for minors; prohibiting certain medical treatment for minors; providing penalty; defining term; providing for codification.	Pending
	SB 676 (2021)	Crime and punishment; providing definition; providing certain penalty. Effective date.	Pending
SC	H 4047 (2021)	SC Minor Child Compassion and Protection Act; Prohibit The Performance Of A Medical Procedure Or The Prescription Or Issuance Of Medication, Upon Or To A Minor, That Is Intended To Alter The Appearance Of The Minor's Gender Or Delay Puberty, With Exceptions; To Create Criminal Penalties; And For Other Purposes.	Pending

ST	BILL	TITLE/SUMMARY	STATUS
TN	SB 126 (2021)	Specifies that standard medical practice does not involve prescribing hormone treatment for gender dysphoric or gender incongruent prepubertal minors; prohibits a healthcare prescriber from prescribing a course of treatment that involves hormone treatment for gender dysphoric or gender incongruent prepubertal minors, except that a healthcare prescriber may prescribe a course of treatment that involves hormone treatments for prepubertal minors for diagnoses of growth deficiencies or other diagnoses unrelated to gender dysphoria or gender incongruency.	Enacted
	HB 578 (2021)	Prohibits the provision of sexual identity change therapy to prepubescent minors; prohibits the provision of sexual identity change therapy to minors who have entered puberty unless a parent or guardian has written recommendations for the therapy from at least three physicians; punishes violations as child abuse; designates violations by healthcare professionals as professional misconduct.	Pending
	HB 1027 (2021) (compatible with SB 126)	Specifies that standard medical practice does not involve prescribing hormone treatment for gender dysphoric or gender incongruent prepubertal minors; prohibits a healthcare prescriber from prescribing a course of treatment that involves hormone treatment for gender dysphoric or gender incongruent prepubertal minors, except that a healthcare prescriber may prescribe a course of treatment that involves hormone treatments for prepubertal minors for diagnoses of growth deficiencies or other diagnoses unrelated to gender dysphoria or gender incongruency.	Pending
	SB 657 (2021) (compatible with HB 578)	Prohibits the provision of sexual identity change therapy to prepubescent minors; prohibits the provision of sexual identity change therapy to minors who have entered puberty unless a parent or guardian has written recommendations for the therapy from at least three physicians; punishes violations as child abuse; designates violations by healthcare professionals as professional misconduct.	Pending

ST	BILL	TITLE/SUMMARY	STATUS
TX	HB 1399 (2021)	Relating to professional liability insurance coverage for and prohibitions on the provision to certain children of procedures and treatments for gender transitioning, gender reassignment, or gender dysphoria.	Pending (Failed/stalled)
	HB 2693 (2021)	Relating to the provision of and professional liability insurance coverage for gender transitioning or gender reassignment medical procedures and treatments for certain children.	Pending (Failed/stalled)
	HB 4014 (2021)	Relating to the protection of children, including the definition of child abuse and the prosecution of the criminal offense of abandoning or endangering a child.	Pending (Failed/stalled)
	HB 68 (2021)	Relating to the definition of abuse of a child.	Pending (Failed/stalled)
	SB 1311 (2021)	Relating to the provision of and professional liability insurance coverage for gender transitioning or gender reassignment medical procedures and treatments for certain children.	Pending (Failed/stalled)
	SB 1646 (2021)	Relating to the protection of children, including the definition of child abuse and the prosecution of the criminal offense of abandoning or endangering a child.	Pending (Failed/stalled)
UT	HB 92 (2021)	This bill prohibits a physician or surgeon from performing a transgender procedure on a minor.	Pending (Failed/stalled)
WV	HB 2171 (2021)	Prohibits certain medical treatments and procedures upon a minor, including an emancipated minor, for the purpose of attempting to change or affirm the minor's perception of the minor's sex, if that perception is inconsistent with the minor's genetic sex at birth and making such medical treatments and procedures a felony unless specific exceptions.	Pending (Failed/stalled)