

DRAFT

SB 16, Transgender Medical Treatments Certification Clarification

In the 2023 Annual General Session of the Utah State Legislature, the Legislature passed [SB 16](#), Transgender Medical Treatments and Procedures. Recently, we have learned of some confusion that may exist related to the certification created in SB 16. The purpose of this letter is to address that confusion.

SB 16 Certification Background

SB 16 prohibits secondary sex characteristic surgical procedures for minors and limits the scenarios when minors may receive hormonal transgender treatment as defined in the law (note especially Section 58-1-603.1(2)). The bill also created a provider certification only required for the limited circumstances explained below. Since that time, the Division of Professional Licensing (DOPL) has worked to implement the certification. (now codified in [Utah Code 58-1-603](#)).

Who must be certified to provide transgender healthcare for minors?

[Utah Code 58-1-603](#) creates the certification and names two instances when performing transgender healthcare to a minor requires the certification:

1. Instances when a healthcare provider (MD, DO, or APRN) provides **hormonal** transgender treatment to a minor. (note: hormonal transgender treatment may **ONLY** be provided in accordance with the strict guidelines of [Subsection 58-1-603](#))
2. Instances when a mental health professional will be performing the **special mental health evaluation** of the minor that [Subsection 58-1-603](#) requires before the minor receives **hormonal** transgender treatment.

In these two instances, the health care provider or mental health professional must hold the certification. Other than these instances, the Utah Code is silent.

Do I need a certificate to perform any transgender-related counseling to minors?

Counseling with anyone, including minors, who are working through gender dysphoria or other transgender healthcare issues is included within the scope of practice of mental health therapy (so long as the practitioner is competent to provide the care). **The certificate is NOT needed just for counseling.** Again, the certificate is required for a healthcare provider performing *hormonal* transgender treatment, and for a mental health professional performing the *special mental health evaluation* of the minor before the minor receives hormonal transgender treatment, as described above.

Thank you,

Division of Professional Licensing, Utah Department of Commerce