

**Effective 1/28/2023**

**58-1-603 Hormonal transgender treatment on minors -- Requirements.**

- (1) As used in this section:
- (a) "Approved organization" means an organization with expertise regarding transgender health care for minors that is approved by the division.
  - (b) "Biological sex at birth" means an individual's sex, as being male or female, according to distinct reproductive roles as manifested by sex and reproductive organ anatomy, chromosomal makeup, and endogenous hormone profiles.
  - (c) "Disorder of sexual development" means a sexual development disorder where an individual:
    - (i) is born with external biological sex characteristics that are irresolvably ambiguous;
    - (ii) is born with 46, XX chromosomes with virilization;
    - (iii) is born with 46, XY chromosomes with undervirilization;
    - (iv) has both ovarian and testicular tissue; or
    - (v) has been diagnosed by a physician, based on genetic or biochemical testing, with abnormal:
      - (A) sex chromosome structure;
      - (B) sex steroid hormone production; or
      - (C) sex steroid hormone action for a male or female.
  - (d) "Health care provider" means:
    - (i) a physician;
    - (ii) a physician assistant licensed under Chapter 70a, Utah Physician Assistant Act; or
    - (iii) an advanced practice registered nurse licensed under Subsection 58-31b-301(2)(e).
  - (e)
    - (i) "Hormonal transgender treatment" means administering, prescribing, or supplying for effectuating or facilitating an individual's attempted sex change:
      - (A) to an individual whose biological sex at birth is female, a dose of testosterone or other androgens at levels above those normally found in an individual whose biological sex at birth is female;
      - (B) to an individual whose biological sex at birth is male, a dose of estrogen or a synthetic compound with estrogenic activity or effect at levels above those normally found in an individual whose biological sex at birth is male; or
      - (C) a puberty inhibition drug.
    - (ii) "Hormonal transgender treatment" does not include administering, prescribing, or supplying a substance described in Subsection (1)(e)(i) to an individual if the treatment is medically necessary as a treatment for:
      - (A) precocious puberty;
      - (B) endometriosis;
      - (C) a menstrual, ovarian, or uterine disorder;
      - (D) a sex-hormone stimulated cancer; or
      - (E) a disorder of sexual development.
  - (f) "Mental health professional" means any of the following:
    - (i) a physician who is board certified for a psychiatry specialization recognized by the American Board of Medical Specialists or the American Osteopathic Association's Bureau of Osteopathic Specialists;
    - (ii) a psychologist licensed under Chapter 61, Psychologist Licensing Act;
    - (iii) a clinical social worker licensed under Chapter 60, Part 2, Social Worker Licensing Act;
    - (iv) a marriage and family therapist licensed under Chapter 60, Part 3, Marriage and Family Therapist Licensing Act; or

- (v) a clinical mental health counselor licensed under Chapter 60, Part 4, Clinical Mental Health Counselor Licensing Act.
  - (g) "Minor" means an individual who is less than 18 years old.
  - (h) "Physician" means an individual licensed under:
    - (i) Chapter 67, Utah Medical Practice Act; or
    - (ii) Chapter 68, Utah Osteopathic Medical Practice Act.
  - (i) "Puberty inhibition drug" means any of the following alone or in combination with aromatase inhibitors:
    - (i) gonadotropin-releasing hormone agonists; or
    - (ii) androgen receptor inhibitors.
  - (j) "Transgender treatment certification" means a certification described in Subsection (2).
- (2)
- (a) The division shall create a transgender treatment certification on or before July 1, 2023.
  - (b) The division may issue the transgender treatment certification to an individual if the individual:
    - (i) is a health care provider or a mental health professional; and
    - (ii) has completed at least 40 hours of education related to transgender health care for minors from an approved organization.
  - (c) The division may renew a transgender treatment certification:
    - (i) at the time an individual renews the individual's license; and
    - (ii) if the individual has completed at least 20 hours of continuing education related to transgender health care for minors from an approved organization during the individual's continuing education cycle.
  - (d) Beginning January 1, 2024, providing a hormonal transgender treatment to a minor without a transgender treatment certification is unprofessional conduct.
- (3)
- (a) A health care provider may provide a hormonal transgender treatment to a minor only if the health care provider has been treating the minor for gender dysphoria for at least six months.
  - (b) Beginning July 1, 2023, before providing a hormonal transgender treatment to a minor described in Subsection (3)(a), a health care provider shall:
    - (i) determine if the minor has other physical or mental health conditions, identify and document any condition, and consider whether treating those conditions before treating the gender dysphoria would provide the minor the best long-term outcome;
    - (ii) consider whether an alternative medical treatment or behavioral intervention to treat the minor's gender dysphoria would provide the minor the best long-term outcome;
    - (iii) document in the medical record that:
      - (A) the health care provider has complied with Subsections (3)(b)(i) and (ii); and
      - (B) providing the hormonal transgender treatment will likely result in the best long-term outcome for the minor;
    - (iv) obtain written consent from:
      - (A) the minor; and
      - (B) the minor's parent or guardian unless the minor is emancipated;
    - (v) discuss with the minor:
      - (A) the risks of the hormonal transgender treatment;
      - (B) the minor's short-term and long-term expectations regarding the effect that the hormonal transgender treatment will have on the minor; and
      - (C) the likelihood that the hormonal transgender treatment will meet the short-term and long-term expectations described in Subsection (3)(b)(v)(B);
    - (vi) unless the minor is emancipated, discuss with the minor's parent or guardian:

- (A) the risks of the hormonal transgender treatment;
  - (B) the minor's short-term and long-term expectations regarding the effect that the hormonal transgender treatment will have on the minor;
  - (C) the parent or guardian's short-term and long-term expectations regarding the effect that the hormonal transgender treatment will have on the minor; and
  - (D) the likelihood that the hormonal transgender treatment will meet the short-term and long-term expectations described in Subsections (3)(b)(vi)(B) and (C);
  - (vii) document in the medical record that the health care provider has provided the information described in Subsections (3)(b)(viii) and (ix);
  - (viii) provide the minor the following information if providing the minor a puberty inhibition drug:
    - (A) puberty inhibition drugs are not approved by the FDA for the treatment of gender dysphoria;
    - (B) possible adverse outcomes of puberty blockers are known to include diminished bone density, pseudotumor cerebri and long term adult sexual dysfunction;
    - (C) research on the long-term risks to children of prolonged treatment with puberty blockers for the treatment of gender dysphoria has not yet occurred; and
    - (D) the full effects of puberty blockers on brain development and cognition are unknown;
  - (ix) provide the minor the following information if providing a cross-sex hormone as described in Subsection (1)(e)(i)(A) or (B):
    - (A) the use of cross-sex hormones in males is associated with risks that include blood clots, gallstones, coronary artery disease, heart attacks, tumors of the pituitary gland, strokes, elevated levels of triglycerides in the blood, breast cancer, and irreversible infertility; and
    - (B) the use of cross-sex hormones in females is associated with risks of erythrocytosis, severe liver dysfunction, coronary artery disease, hypertension, and increased risk of breast and uterine cancers; and
  - (x) upon the completion of any relevant information privacy release, obtain a mental health evaluation of the minor as described in Subsection (4).
- (4) The mental health evaluation shall:
- (a) be performed by a mental health professional who:
    - (i) beginning January 1, 2024, has a current transgender treatment certification; and
    - (ii) is not the health care provider that is recommending or providing the hormonal transgender treatment;
  - (b) contain a determination regarding whether the minor suffers from gender dysphoria in accordance with the fifth edition of the Diagnostic and Statistical Manual of Mental Disorders;
  - (c) confirm that the minor and the mental health professional have had at least three therapy sessions; and
  - (d) document all of the minor's mental health diagnoses and any significant life events that may be contributing to the diagnoses.
- (5) A violation of Subsection (3) is unprofessional conduct.

Enacted by Chapter 2, 2023 General Session