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HOUSE BILL 578

By Ragan

AN ACT to amend Tennessee Code Annotated, Title 8; Title 36; Title 37; Title 39; Title 49; Title 53; Title 56; Title 63; Title 68 and Title 71, relative to courses of treatment for children.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 39, Chapter 15, Part 4, is amended by adding the following as a new section:

(a) As used in this section:

(1) "Biological female" means a person who was born with female anatomy and two (2) X chromosomes in the person's cells;

(2) "Biological male" means a person who was born with male anatomy and X and Y chromosomes in the person's cells;

(3) "Healthcare professional" means a physician or other healthcare practitioner licensed, registered, accredited, or certified to perform specified healthcare services pursuant to title 63 or title 68 and regulated under the authority of the department of health or any agency, board, council, committee, or other governmental entity attached to the department;

(4) "Puberty" has the same meaning as defined in § 49-6-1301;

(5) "Sexual identity" means an individual's self-recognition and self-expression as either a biological female or biological male; and

(6) "Sexual identity change therapy" means a course of treatment that involves the use of hormone replacement, puberty blockers, or other medical intervention to change the sexual identity or physical appearance of a patient to a

sexual identity or physical appearance that does not correspond to the anatomy and chromosomal makeup with which the patient was born.

(b)

(1) A person shall not provide or facilitate the provision of sexual identity change therapy to a minor who has not yet entered puberty.

(2) A person shall not provide or facilitate the provision of sexual identity change therapy to a minor who has entered puberty unless both parents or the legal guardian of the minor provides a signed, written statement recommending physical sexual identity change therapy for the minor from:

(A) Two (2) or more physicians licensed under title 63, chapter 6 or 9; and

(B) At least one (1) physician licensed under title 63, chapter 6 or 9, who is board-certified in child and adolescent psychiatry, and who is not the same person as any physician whose written recommendation is used to satisfy subdivision (b)(2)(A).

(3) It is not a violation of this subsection (b) if the minor has:

(A) A confirmed diagnosis of an abnormal birth defect involving genitalia or gonads;

(B) Genetic anomalies involving X or Y chromosomes;

(C) Physical disease with life-threatening consequences absent such intervention; or

(D) An accident involving irreparable mutilation of genitalia.

(c)

(1) A violation of this section is punishable as a Class A misdemeanor pursuant to § 39-15-401 regardless of the minor's age.

(2) A healthcare professional who violates this section is subject to a civil action in tort in accordance with applicable healthcare liability provisions in title 29, chapter 26. Notwithstanding any law to the contrary, a civil action may be filed under this subdivision (c)(2) up to seven (7) years after a minor turns twenty-one (21) years of age.

(3) In addition to any criminal liability under subdivision (c)(1), a violation of this section by a healthcare professional constitutes professional misconduct and is subject to discipline by the healthcare professional's licensing authority.

SECTION 2. Tennessee Code Annotated, Section 39-15-401(g), is amended by deleting the language "dehydration or acts of female genital mutilation as defined in § 39-13-110" and substituting instead the language "dehydration, acts of female genital mutilation as defined in § 39-13-110, or the provision of sexual identity change therapy to a child in violation of Section 1".

SECTION 3. This act takes effect July 1, 2021, the public welfare requiring it, and applies to prohibited conduct occurring on or after that date.