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SENATE BILL 676

By Taylor

AN ACT to amend Tennessee Code Annotated, Title 1; Title 4; Title 33; Title 56; Title 63; Title 68 and Title 71, relative to health care.

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

SECTION 1. Tennessee Code Annotated, Title 68, Chapter 1, is amended by adding the following as a new part:

68-1-2501. Part definitions.

As used in this part:

(1) ''Department'' means the department of health;

(2) ''Detransition procedure'' means treatment, including mental health treatment, medical interventions, and surgeries that stop, reverse, or help an individual cope with the effects of a gender transition procedure due to the resolution of any inconsistency between the individual's sex and the individual's perceived sex or perceived gender;

(3) ''Gender'' means the psychological, behavioral, social, and cultural aspects of being male or female;

(4) ''Gender clinic'' means a healthcare entity licensed under this title that provides or prescribes gender transition procedures or refers individuals for gender transition procedures;

(5) ''Gender transition procedure'' means any pharmaceutical or surgical intervention to alter an individual's body to address an inconsistency between a minor's sex and minor's perceived gender or perceived sex;

(6) ''Healthcare professional'' means a healthcare provider, establishment, or facility licensed, registered, certified, or permitted pursuant to this title or title 63 and regulated under the authority of:

(A) The department of health;

(B) An agency, board, council, or committee attached to the department of health; or

(C) The health facilities commission;

(7) ''Minor'' means an individual under eighteen (18) years of age;

(8) ''Perceived gender'' means an individual's internal sense of the individual's gender;

(9) ''Perceived sex'' means an individual's internal sense of the individual's sex; and

(10) ''Sex'' means a person's immutable characteristics of the reproductive system that define the individual as male or female, as determined by anatomy and genetics existing at the time of birth.

68-1-2502. Right to effective care.

(a) A county or municipality shall not prohibit the provision of mental health therapy to help a minor address an inconsistency between the minor's sex and the minor's perceived gender or perceived sex.

(b) A county or municipality shall not prohibit a parent or legal guardian from consenting to, or withholding consent from, the provision of mental health therapy to help a minor address an inconsistency between the minor's sex and the minor's perceived gender or perceived sex.

(c) A gender clinic that uses funds provided by this state to directly or indirectly provide or pay for gender transition procedures must, as a condition of receiving such funds, agree to provide or pay for the performance of detransition procedures.

68-1-2503. Right to public transparency.

(a) A gender clinic operating in this state shall report statistics regarding all gender transition procedures to the department on a form provided by the department.

(b) The department shall develop a form for reporting under subsection (a) and determine the statistics to be reported, which must include:

(1) The date on which the gender transition procedure was prescribed or the referral was made for the gender transition procedure;

(2) The age and sex of the person for whom the gender transition procedure was prescribed or the gender transition procedure referral was made;

(3) For a drug prescribed as part of a gender transition procedure:

(A) The name of the drug;

(B) The dosage of the drug;

(C) The dosage frequency and duration; and

(D) The method by which the drug will be administered;

(4) For a surgical intervention provided or a referral made for a surgical intervention as part of a gender transition procedure, the type of surgical procedure identified by the current procedural terminology (CPT) code;

(5) The state and county of residence of the person receiving the gender transition procedure;

(6) The name, contact information, and medical specialty of the healthcare professional who prescribed the gender transition procedure or made the referral for the gender transition procedure; and

(7) A list of any diagnoses that the person receiving or referred for a gender transition procedure has received of neurological, behavioral, or mental health conditions.

(c) The form developed by the department must be:

(1) Completed by each gender clinic at which a gender transition procedure is prescribed or a referral is made for a gender transition procedure;

(2) Signed by the healthcare professional who prescribes the gender transition procedure or makes a referral for a gender transition procedure; and

(3) Transmitted by the gender clinic to the department no later than fifteen (15) days after the end of the calendar month during which the gender transition procedure was prescribed or the referral was made.

(d) Forms required under this section must not contain individually identifiable health information as defined in 45 CFR § 160.103.

(e) The department shall submit a comprehensive annual statistical report by December 31, 2025, and by December 31 of each year thereafter, to the speaker of the senate, the speaker of the house of representatives, and the legislative librarian based on all data obtained from forms required by this section. The department shall make the statistical report available to the public on the department's public website in a downloadable format.

(f) If a healthcare professional fails to comply with this section, then:

(1) The healthcare professional has engaged in unprofessional conduct and is subject to discipline by the appropriate licensing entity or disciplinary review board with competent jurisdiction in this state. Disciplinary action must include suspension of the ability to administer health care or practice medicine for at least six (6) months; and

(2) The gender clinic where the healthcare professional is employed shall pay a civil fine not to exceed one hundred fifty thousand dollars ($150,000).

(g) The attorney general and reporter may investigate a potential violation of this part, seek production of documents or testimony through a civil investigative demand, and bring an action to enforce compliance with this section.

SECTION 2. Tennessee Code Annotated, Title 56, Chapter 7, Part 23, is amended by adding the following as a new section:

(a) As used in this section:

(1) ''Department'' means the department of health; and

(2) ''Detransition procedure'', "gender", "gender clinic", "gender transition procedure", "health professional", "minor", "perceived gender", "perceived sex", and "sex" have the same meanings as defined in § 68-1-2501.

(b) If an insurance policy issued, renewed, or amended in this state on or after the effective date of this act, includes coverage for gender transition procedures, then the policy must also include coverage for detransition procedures.

(c) An entity providing insurance coverage for detransition procedures must provide statistics regarding insurance claims for detransition procedures in this state to the department on a form provided by the department.

(d) The department shall develop a form for the reporting required by subsection (c) and determine the statistics to be reported, which must include:

(1) The number of insurance claims made for detransition procedures;

(2) The age and sex of an individual receiving a detransition procedure;

(3) If known, the date that the individual initially began a gender transition procedure; and

(4) The state and county of residence of the person receiving the gender transition procedure.

(e) The entity providing insurance coverage shall transmit the form to the department no later than fifteen (15) days after the end of the calendar month during which a claim for the gender transition procedure was approved.

(f) Reporting forms required under this section must not contain individually identifiable health information as defined in 45 CFR § 160.103.

(g) The department shall submit a comprehensive annual statistical report by December 31, 2025, and by December 31 of each year thereafter, to the speaker of the senate, the speaker of the house of representatives, and the legislative librarian based on all data obtained from forms required by this section. The department shall make the statistical report available to the public on the department's public website in a downloadable format.

(h) The attorney general and reporter may investigate a potential violation of this section, seek production of documents or testimony through a civil investigative demand, and bring an action to enforce compliance with this section.

SECTION 3. If any provision of this act or its application to any person or circumstance is held invalid, then the invalidity does not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to that end, the provisions of this act are severable.

SECTION 4. The headings in this act are for reference purposes only and do not constitute a part of the law enacted by this act. However, the Tennessee Code Commission is requested to include the headings in any compilation or publication containing this act.

SECTION 5. This act takes effect upon becoming a law, the public welfare requiring it, and applies to contracts for insurance entered into, amended, or renewed on or after that date.