State of Wisconsin
2025 - 2026 LEGISLATURE

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2025 ASSEMBLY BILL 104

March 5, 2025 - Introduced by Representatives ALLEN, VOS, BEHNKE, BRILL, BROOKS, CALLAHAN, DITTRICH, GOEBEN, GREEN, GUNDRUM, HURD, B. JACOBSON, KNODL, KREIBICH, MAXEY, MURPHY, MURSAU, NEDWESKI, NEYLON, O'CONNOR, PENTERMAN, STEFFEN, TUCKER, TUSLER and WICHGERS, cosponsored by Senators TOMCZYK, KAPENGA, NASS, QUINN and WIMBERGER. Referred to Committee on Health, Aging and Long-Term Care.

AUTHORS SUBJECT TO CHANGE

AN ACT ***to amend*** 441.07 (2), 448.02 (6), 448.02 (9) (intro.) and 448.978 (2) (intro.); ***to create*** 146.36, 441.07 (1j), 448.02 (3m) and 448.978 (1v) of the statutes; **relating to:** prohibiting gender transition medical intervention for individuals under 18 years of age.

Analysis by the Legislative Reference Bureau

This bill prohibits health care providers from engaging in, causing the engagement in, or making referrals for, certain medical intervention practices upon an individual under 18 years of age if done for the purpose of changing the minor's body to correspond to a sex that is discordant with the minor's biological sex. The prohibitions under the bill do not apply to any of the following: 1) a health care provider providing a service in accordance with a good faith medical decision of a parent or guardian of a minor born with a medically verifiable genetic disorder of sex development; 2) the treatment of any infection, injury, disease, or disorder that has been caused by or exacerbated by the performance of a gender transition medical procedure, whether or not that procedure was performed in accordance with state and federal law; or 3) any procedure undertaken because the minor suffers from a physical disorder, physical injury, or physical illness that would, as certified by a physician, place the minor in imminent danger of death or impairment of a major bodily function unless surgery is performed.

Under the bill, the Board of Nursing, the Medical Examining Board, and the Physician Assistant Affiliated Credentialing Board are required to investigate any allegation that any person licensed or certified by the respective boards has violated any of the prohibitions on engaging in, causing the engagement in, or making certain referrals for the medical intervention practices described in the bill. Upon a finding by the Board of Nursing, the Medical Examining Board, or the Physician Assistant Affiliated Credentialing Board that the holder of a license or certificate has violated any of these prohibitions, the bill requires the Board of Nursing, the Medical Examining Board, or the Physician Affiliated Credentialing Board to revoke that person's license or certificate.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SECTION 1. 146.36 of the statutes is created to read:

146.36 Gender transition medical intervention. (1) DEFINITIONS. In this section:

(a) "Biological sex" means the biological state of being female or male based on sex organs, chromosomes, and endogenous hormone profiles.

(b) "Health care provider" has the meaning given in s. 146.81 (1) (a) to (hp).

(c) "Minor" means an individual who is under 18 years of age.

(2) PROHIBITION. A health care provider may not engage in, cause the engagement in, or make a referral for, any of the following practices upon a minor for the purpose of changing the minor's body to correspond to a sex that is discordant with the minor's biological sex:

(a) Performing a surgery that sterilizes an individual, including castration, vasectomy, hysterectomy, oophorectomy, metoidioplasty, orchiectomy, penectomy, phalloplasty, and vaginoplasty.

(b) Performing a mastectomy.

(c) Administering, prescribing, or supplying any of the following medications:

1. Puberty-blocking drugs to stop or delay normal puberty.

2. Supraphysiologic doses of testosterone or other androgens to biological females.

3. Supraphysiologic doses of estrogen to biological males.

(d) Removing any otherwise healthy or nondiseased body part or tissue.

(3) APPLICABILITY LIMITATION. This section does not apply to any of the following:

(a) A health care provider providing a service in accordance with a good faith medical decision of a parent or guardian of a minor born with a medically verifiable genetic disorder of sex development, including any of the following:

1. External biological sex characteristics that are irresolvably ambiguous, such as in those born with 46,XX karyotype with virilization, with 46,XY karyotype with undervirilization, or having both ovarian and testicular tissue.

2. A sexual development disorder when a physician has determined through genetic testing that the minor does not have the normal sex chromosome structure, sex steroid hormone production, or sex steroid hormone action for a biological male or biological female.

(b) The treatment of any infection, injury, disease, or disorder that has been caused by or exacerbated by the performance of a gender transition medical procedure, whether or not that procedure was performed in accordance with state and federal law.

(c) Any procedure undertaken because the minor suffers from a physical disorder, physical injury, or physical illness that would, as certified by a physician,

place the minor in imminent danger of death or impairment of a major bodily function unless surgery is performed.

SECTION 2. 441.07 (1j) of the statutes is created to read:

441.07 **(1j)** Subject to the rules promulgated under s. 440.03 (1), the board shall investigate allegations that any person licensed under this chapter has violated s. 146.36 (2). After an investigation, if the board finds that there is probable cause to believe that the person violated s. 146.36 (2), the board shall hold a hearing on such conduct. After a hearing, if the board determines that the person has violated s. 146.36 (2), the board shall revoke the person's license and, if applicable, the person's certificate to issue prescription orders under s. 441.16.

SECTION 3. 441.07 (2) of the statutes is amended to read:

441.07 **(2)** The board may reinstate a revoked license, no earlier than one year following revocation, upon receipt of an application for reinstatement. This subsection does not apply to a license that is revoked under sub. (1j) or s. 440.12.

SECTION 4. 448.02 (3m) of the statutes is created to read:

448.02 **(3m)** INVESTIGATIONS; HEARING; ACTION FOR GENDER TRANSITION MEDICAL INTERVENTION. The board shall investigate allegations that any person holding a license or certificate granted by the board has violated s. 146.36 (2). After an investigation, if the board finds that there is probable cause to believe that the person violated s. 146.36 (2), the board shall hold a hearing on such conduct. After a hearing, if the board determines that the person has violated s. 146.36 (2), the board shall revoke the person's license or certificate. The board shall comply with

the rules of procedure for the investigation, hearing, and action that are promulgated under ss. 440.03 (1) and 448.40.

SECTION 5. 448.02 (6) of the statutes is amended to read:

448.02 **(6)** RESTORATION OF LICENSE OR CERTIFICATE. The board may restore any license or certificate that has been voluntarily surrendered or revoked under any of the provisions of this subchapter, on such terms and conditions as it may deem appropriate, except that the board may not restore any license or certificate that was revoked pursuant to sub. (3m).

SECTION 6. 448.02 (9) (intro.) of the statutes is amended to read:

448.02 **(9)** JUDICIAL REVIEW. (intro.) No injunction, temporary injunction, stay, restraining order or other order may be issued by a court in any proceeding for review that suspends or stays an order of the board to discipline a physician under sub. (3) (c), to revoke a physician's license under sub. (3m), or to suspend or limit a physician's license under sub. (4), except upon application to the court and a determination by the court that all of the following conditions are met:

SECTION 7. 448.978 (1v) of the statutes is created to read:

448.978 **(1v)** Subject to the rules promulgated under s. 440.03 (1), the board shall investigate allegations that any person licensed under this subchapter has violated s. 146.36 (2). After an investigation, if the board finds that there is probable cause to believe that the person violated s. 146.36 (2), the board shall hold a hearing on such conduct. After a hearing, if the board determines that the person has violated s. 146.36 (2), the board shall revoke the person's license.

SECTION 8. 448.978 (2) (intro.) of the statutes is amended to read:

448.978 **(2)** (intro.) Subject to the rules promulgated under s. 440.03 (1) and except as provided in sub. (1v), if a person who applies for or holds a license or compact privilege issued under s. 448.974 does any of the following, the board may reprimand the person or deny, limit, suspend, or revoke the person's license or compact privilege:

SECTION 9. Nonstatutory provisions.

(1) LEGISLATIVE INTENT STATEMENT. By including a 6-month delayed effective date in SECTION 10 (1) of this act, the legislature intends to allow time for appropriate medication tapering and discontinuation under the care of a physician or other health care provider for any minor who is using puberty-blocking drugs or cross-sex hormones for the purpose of changing the minor's body to correspond to a sex that is discordant with the minor's biological sex and who will be a minor when the act takes effect. For purposes of this subsection, the terms "biological sex," "health care provider," and "minor" have the meanings given in s. 146.36 (1).

SECTION 10. Effective date.

(1) This act takes effect on the first day of the 7th month beginning after publication.

(END)