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State of Minnesota

HOUSE OF REPRESENTATIVES

NINETY-FIRST SESSION

H. F. No. 4694

05/17/2020 Authored by Runbeck and Gruenhagen The bill was read for the first time and referred to the Committee on Health and Human Services Policy

1.1 A bill for an act
1.2 relating to health; prohibiting the provision of gender transition medical services
1.3 to and performance of gender reassignment surgery for persons under the age of
1.4 18; amending Minnesota Statutes 2018, section 60A.0784; proposing coding for
1.5 new law in Minnesota Statutes, chapter 214.

1.6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.7 Section 1. Minnesota Statutes 2018, section 60A.0784, is amended to read:

1.8 60A.0784 PROHIBITED PRACTICES.

1.9 It is unlawful for any person to:

1.10 (1) procure or cause to be procured or effected a policy in violation of section 60A.0783;

1.11 (2) engage in STOLI practices or otherwise wager on life;

1.12 (3) solicit, market, or otherwise promote the purchase of a policy for the purpose of or
1.13 with an emphasis on the subsequent sale of the policy in the secondary market;

1.14 (4) enter into a premium finance agreement with any person or agency, or any person
1.15 affiliated with such person or agency, pursuant to which the lender or any person affiliated
1.16 with the lender shall receive any proceeds, fees, or other consideration, directly or indirectly,
1.17 from the policy or policyowner or any other person with respect to the premium finance
1.18 agreement or any settlement contract or other transaction related to such policy that are in
1.19 addition to the amounts required to pay the principal, interest, and service charges related
1.20 to policy premiums pursuant to the premium finance agreement or subsequent sale of such
1.21 agreement; provided, further, that any payments, charges, fees, or other amounts in addition
1.22 to the amounts required to pay the principal, interest, and service charges related to policy

2.1 premiums paid under the premium finance agreement shall be remitted to the insured or to
 2.2 the insured's estate if the insured is not living at the time of the determination of the
 2.3 overpayment; ~~or~~

2.4 (5) enter into or to offer to enter into a settlement contract prior to the issuance of a
 2.5 policy that is the subject of the settlement contract or proposed settlement contract;

2.6 (6) solicit, market, or otherwise promote the purchase of a policy that would provide
 2.7 professional liability insurance for the actions prohibited by section 214.079; or

2.8 (7) enter into or offer to enter into a settlement contract for the actions of an insured in
 2.9 violation of section 214.079.

2.10 **EFFECTIVE DATE.** This section is effective the day following final enactment and
 2.11 applies to policies offered, issued, or renewed on or after that date.

2.12 **Sec. 2. [214.079] PROHIBITING GENDER TRANSITION MEDICAL SERVICES**
 2.13 **FOR MINORS.**

2.14 **Subdivision 1. Definitions.** (a) For purposes of this section, the following terms have
 2.15 the meanings given them.

2.16 (b) "Gender reassignment surgery" means any surgical procedure that seeks to alter an
 2.17 individual's anatomy for the purpose of assisting the individual in creating physical features
 2.18 similar to a person of the opposite sex, including but not limited to genital or non-genital
 2.19 sex reassignment surgery.

2.20 (c) "Gender transition medical services" means a medical or surgical service that assists
 2.21 an individual in transitioning physically to a sex different from the individual's birth sex,
 2.22 including but not limited to medical services that provide: gonadotropin releasing hormone
 2.23 analogues, or analogous drugs, or other interventions to delay or suppress pubertal
 2.24 development in children; cross-sex hormones, or other mechanisms, to promote the
 2.25 development of feminizing or masculinizing features in the opposite sex; or genital or
 2.26 non-genital sex reassignment surgery performed for the purpose of assisting an individual
 2.27 with a sex transition.

2.28 (d) "Genital sex reassignment surgery" means surgical procedures such as penectomy,
 2.29 orchiectomy, vaginoplasty, clitoroplasty, or vulvoplasty on male patients; or hysterectomy,
 2.30 ovariectomy, reconstruction of the fixed part of the urethra with or without a metoidioplasty
 2.31 or a phalloplasty, vaginectomy, scrotoplasty, or implantation of erection or testicular
 2.32 prostheses on female patients.

3.1 (e) "Health care provider" has the meaning given in section 62A.63, subdivision 2.

3.2 (f) "Non-genital sex reassignment surgery" means surgical procedures, including but
3.3 not limited to augmentation mammoplasty, facial feminization surgery, liposuction,
3.4 lipofilling, voice surgery, thyroid cartilage reduction, gluteal augmentation, hair
3.5 reconstruction, or various aesthetic procedures on male patients; or subcutaneous mastectomy,
3.6 voice surgery, liposuction, lipofilling, pectoral implants, or various aesthetic procedures on
3.7 female patients.

3.8 Subd. 2. **Prohibition.** (a) No health care provider licensed by a health-related licensing
3.9 board or otherwise licensed under the laws of this state or registered with the commissioner
3.10 of health may provide gender transition medical services to a patient younger than 18 years
3.11 of age. No physician licensed under chapter 147 may perform gender reassignment surgery
3.12 on any person under the age of 18. Gender reassignment surgery or gender transition medical
3.13 services provided to a patient younger than 18 years of age shall be considered unprofessional
3.14 conduct and the health care provider shall be subject to disciplinary action by the applicable
3.15 health-related licensing board.

3.16 (b) A health care provider who violates paragraph (a) is liable for a civil penalty of up
3.17 to \$5,000 per violation.

3.18 (c) The statute of limitations for a cause of action brought related to gender reassignment
3.19 surgery or gender transition medical services is 20 years from the age of majority.

3.20 Subd. 3. **Exceptions.** This section does not apply to the good faith medical decision of
3.21 a parent or guardian of a minor under 18 years of age born with a medically verifiable
3.22 genetic disorder of sex development, including:

3.23 (1) external biological sex characteristics that are irresolvably ambiguous, such as a
3.24 minor born having 46 XX chromosomes with virilization, 46 XY chromosomes with
3.25 undervirilization, or having both ovarian and testicular tissue; or

3.26 (2) a disorder of sexual development diagnosed by a physician through genetic testing
3.27 showing that the minor does not have the normal sex chromosome structure for a male or
3.28 female.

3.29 **EFFECTIVE DATE.** This section is effective the day following final enactment, except
3.30 that this section shall not prohibit: (1) the continuation and completion of a course of gender
3.31 reassignment surgery that began before the effective date of the section; and (2) the
3.32 continuation and completion of gender transition medical services that were first provided
3.33 before the effective date of this section.