

1 SB184  
2 216600-2  
3 By Senators Shelnutt and Allen  
4 RFD: Healthcare  
5 First Read: 03-FEB-22

2  
3  
4 ENGROSSED

5  
6  
7 A BILL  
8 TO BE ENTITLED  
9 AN ACT

10  
11 Relating to public health; to prohibit the  
12 performance of a medical procedure or the prescription of  
13 medication, upon or to a minor child, that is intended to  
14 alter the minor child's gender or delay puberty; to provide  
15 for exceptions; to provide for disclosure of certain  
16 information concerning students to parents by schools; and to  
17 establish criminal penalties for violations; and in connection  
18 therewith would have as its purpose or effect the requirement  
19 of a new or increased expenditure of local funds within the  
20 meaning of Amendment 621 of the Constitution of Alabama of  
21 1901, as amended by Amendment 890, now appearing as Section  
22 111.05 of the Official Recompilation of the Constitution of  
23 Alabama of 1901, as amended.

24 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

25 Section 1. This act shall be known and may be cited  
26 as the Alabama Vulnerable Child Compassion and Protection Act  
27 (V-CAP).

1           Section 2. The Legislature finds and declares the  
2 following:

3           (1) The sex of a person is the biological state of  
4 being female or male, based on sex organs, chromosomes, and  
5 endogenous hormone profiles, and is genetically encoded into a  
6 person at the moment of conception, and it cannot be changed.

7           (2) Some individuals, including minors, may  
8 experience discordance between their sex and their internal  
9 sense of identity, and individuals who experience severe  
10 psychological distress as a result of this discordance may be  
11 diagnosed with gender dysphoria.

12           (3) The cause of the individual's impression of  
13 discordance between sex and identity is unknown, and the  
14 diagnosis is based exclusively on the individual's self-report  
15 of feelings and beliefs.

16           (4) This internal sense of discordance is not  
17 permanent or fixed, but to the contrary, numerous studies have  
18 shown that a substantial majority of children who experience  
19 discordance between their sex and identity will outgrow the  
20 discordance once they go through puberty and will eventually  
21 have an identity that aligns with their sex.

22           (5) As a result, taking a wait-and-see approach to  
23 children who reveal signs of gender nonconformity results in a  
24 large majority of those children resolving to an identity  
25 congruent with their sex by late adolescence.

26           (6) Some in the medical community are aggressively  
27 pushing for interventions on minors that medically alter the

1 child's hormonal balance and remove healthy external and  
2 internal sex organs when the child expresses a desire to  
3 appear as a sex different from his or her own.

4 (7) This course of treatment for minors commonly  
5 begins with encouraging and assisting the child to socially  
6 transition to dressing and presenting as the opposite sex. In  
7 the case of prepubertal children, as puberty begins, doctors  
8 then administer long-acting GnRH agonist (puberty blockers)  
9 that suppress the pubertal development of the child. This use  
10 of puberty blockers for gender nonconforming children is  
11 experimental and not FDA-approved.

12 (8) After puberty blockade, the child is later  
13 administered "cross-sex" hormonal treatments that induce the  
14 development of secondary sex characteristics of the other sex,  
15 such as causing the development of breasts and wider hips in  
16 male children taking estrogen and greater muscle mass, bone  
17 density, body hair, and a deeper voice in female children  
18 taking testosterone. Some children are administered these  
19 hormones independent of any prior pubertal blockade.

20 (9) The final phase of treatment is for the  
21 individual to undergo cosmetic and other surgical procedures,  
22 often to create an appearance similar to that of the opposite  
23 sex. These surgical procedures may include a mastectomy to  
24 remove a female adolescent's breasts and "bottom surgery" that  
25 removes a minor's health reproductive organs and creates an  
26 artificial form aiming to approximate the appearance of the  
27 genitals of the opposite sex.

1           (10) For minors who are placed on puberty blockers  
2 that inhibit their bodies from experiencing the natural  
3 process of sexual development, the overwhelming majority will  
4 continue down a path toward cross-sex hormones and cosmetic  
5 surgery.

6           (11) This unproven, poorly studied series of  
7 interventions results in numerous harmful effects for minors,  
8 as well as risks of effects simply unknown due to the new and  
9 experimental nature of these interventions.

10           (12) Among the known harms from puberty blockers is  
11 diminished bone density; the full effect of puberty blockers  
12 on brain development and cognition are yet unknown, though  
13 reason for concern is now present. There is no research on the  
14 long-term risks to minors of persistent exposure to puberty  
15 blockers. With the administration of cross-sex hormones comes  
16 increased risks of cardiovascular disease, thromboembolic  
17 stroke, asthma, COPD, and cancer.

18           (13) Puberty blockers prevent gonadal maturation and  
19 thus render patients taking these drugs infertile. Introducing  
20 cross-sex hormones to children with immature gonads as a  
21 direct result of pubertal blockade is expected to cause  
22 irreversible sterility. Sterilization is also permanent for  
23 those who undergo surgery to remove reproductive organs, and  
24 such persons are likely to suffer through a lifetime of  
25 complications from the surgery, infections, and other  
26 difficulties requiring yet more medical intervention.

1           (14) Several studies demonstrate that hormonal and  
2 surgical interventions often do not resolve the underlying  
3 psychological issues affecting the individual. For example,  
4 individuals who undergo cross-sex cosmetic surgical procedures  
5 have been found to suffer from elevated mortality rates higher  
6 than the general population. They experience significantly  
7 higher rates of substance abuse, depression, and psychiatric  
8 hospitalizations.

9           (15) Minors, and often their parents, are unable to  
10 comprehend and fully appreciate the risk and life  
11 implications, including permanent sterility, that result from  
12 the use of puberty blockers, cross-sex hormones, and surgical  
13 procedures.

14           (16) For these reasons, the decision to pursue a  
15 course of hormonal and surgical interventions to address a  
16 discordance between the individual's sex and sense of identity  
17 should not be presented to or determined for minors who are  
18 incapable of comprehending the negative implications and  
19 life-course difficulties attending to these interventions.

20           Section 3. For the purposes of this act, the  
21 following terms shall have the following meanings:

22           (1) MINOR. The same meaning as in Section 43-8-1,  
23 Code of Alabama 1975.

24           (2) PERSON. Includes any of the following:

25           a. Any individual.

26           b. Any agent, employee, official, or contractor of  
27 any legal entity.

1           c. Any agent, employee, official, or contractor of a  
2 school district or the state or any of its political  
3 subdivisions or agencies.

4           (3) SEX. The biological state of being male or  
5 female, based on the individual's sex organs, chromosomes, and  
6 endogenous hormone profiles.

7           Section 4. (a) Except as provided in subsection (b),  
8 no person shall engage in or cause any of the following  
9 practices to be performed upon a minor if the practice is  
10 performed for the purpose of attempting to alter the  
11 appearance of or affirm the minor's perception of his or her  
12 gender or sex, if that appearance or perception is  
13 inconsistent with the minor's sex as defined in this act:

14           (1) Prescribing or administering puberty blocking  
15 medication to stop or delay normal puberty.

16           (2) Prescribing or administering supraphysiologic  
17 doses of testosterone or other androgens to females.

18           (3) Prescribing or administering supraphysiologic  
19 doses of estrogen to males.

20           (4) Performing surgeries that sterilize, including  
21 castration, vasectomy, hysterectomy, oophorectomy,  
22 orchiectomy, and penectomy.

23           (5) Performing surgeries that artificially construct  
24 tissue with the appearance of genitalia that differs from the  
25 individual's sex, including metoidioplasty, phalloplasty, and  
26 vaginoplasty.

1           (6) Removing any healthy or non-diseased body part  
2 or tissue, except for a male circumcision.

3           (b) Subsection (a) does not apply to a procedure  
4 undertaken to treat a minor born with a medically verifiable  
5 disorder of sex development, including either of the  
6 following:

7           (1) An individual born with external biological sex  
8 characteristics that are irresolvably ambiguous, including an  
9 individual born with 46 XX chromosomes with virilization, 46  
10 XY chromosomes with under virilization, or having both ovarian  
11 and testicular tissue.

12           (2) An individual whom a physician has otherwise  
13 diagnosed with a disorder of sexual development, in which the  
14 physician has determined through genetic or biochemical  
15 testing that the person does not have normal sex chromosome  
16 structure, sex steroid hormone production, or sex steroid  
17 hormone action for a male or female.

18           (c) A violation of this section is a Class C felony.

19           Section 5. No nurse, counselor, teacher, principal,  
20 or other administrative official at a public or private school  
21 attended by a minor shall do either of the following:

22           (1) Encourage or coerce a minor to withhold from the  
23 minor's parent or legal guardian the fact that the minor's  
24 perception of his or her gender or sex is inconsistent with  
25 the minor's sex.



1           (2) Withhold from a minor's parent or legal guardian  
2 information related to a minor's perception that his or her  
3 gender or sex is inconsistent with his or her sex.

4           Section 6. Except as provided for in Section 4,  
5 nothing in this act shall be construed as limiting or  
6 preventing psychologists, psychological technicians, and  
7 master's level licensed mental health professionals from  
8 rendering the services for which they are qualified by  
9 training or experience involving the application of recognized  
10 principles, methods, and procedures of the science and  
11 profession of psychology and counseling.

12           Section 7. Nothing in this section shall be  
13 construed to establish a new or separate standard of care for  
14 hospitals or physicians and their patients or otherwise  
15 modify, amend, or supersede any provision of the Alabama  
16 Medical Liability Act of 1987 or the Alabama Medical Liability  
17 Act of 1996, or any amendment or judicial interpretation of  
18 either act.

19           Section 8. If any part, section, or subsection of  
20 this act or the application thereof to any person or  
21 circumstances is held invalid, the invalidity shall not affect  
22 parts, sections, subsections, or applications of this act that  
23 can be given effect without the invalid part, section,  
24 subsection, or application.

25           Section 9. This act does not affect a right or duty  
26 afforded to a licensed pharmacist by state law.

1                   Section 10. Although this bill would have as its  
2 purpose or effect the requirement of a new or increased  
3 expenditure of local funds, the bill is excluded from further  
4 requirements and application under Amendment 621, as amended  
5 by Amendment 890, now appearing as Section 111.05 of the  
6 Official Recompilation of the Constitution of Alabama of 1901,  
7 as amended, because the bill defines a new crime or amends the  
8 definition of an existing crime.

9                   Section 11. This act shall become effective 30 days  
10 following its passage and approval by the Governor, or its  
11 otherwise becoming law.

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17

Senate

Read for the first time and referred to the Senate  
committee on Healthcare..... 03-FEB-22

Read for the second time and placed on the calen-  
dar 1 amendment..... 09-FEB-22

Read for the third time and passed as amended .... 23-FEB-22

Yeas 24  
Nays 6

Patrick Harris,  
Secretary.