

FIRST REGULAR SESSION

# HOUSE BILL NO. 463

102ND GENERAL ASSEMBLY

---

INTRODUCED BY REPRESENTATIVE BOYD.

1254H.011

DANA RADEMAN MILLER, Chief Clerk

---

## AN ACT

To repeal sections 568.060 and 578.421, RSMo, and to enact in lieu thereof three new sections relating to gender transition procedures, with penalty provisions.

---

*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Sections 568.060 and 578.421, RSMo, are repealed and three new sections  
2 enacted in lieu thereof, to be known as sections 191.1720, 568.060, and 578.421, to read as  
3 follows:

**191.1720. 1. This section shall be known and may be cited as the "Missouri Save  
2 Adolescents from Experimentation (SAFE) Act".**

**3 2. For purposes of this section, the following terms mean:**

**4 (1) "Biological sex", the biological indication of the physical condition of being  
5 male or female, which is determined by an individual's chromosomes, identified at birth  
6 by an individual's anatomy, and indicated on the individual's birth certificate, without  
7 regard to an individual's psychological, chosen, or subjective experience of gender;**

**8 (2) "Cross-sex hormones":**

**9 (a) Testosterone or other androgens given to biological sex females in amounts  
10 that are larger or more potent than would normally occur naturally in healthy biological  
11 sex females; and**

**12 (b) Estrogen given to biological sex males in amounts that are larger or more  
13 potent than would normally occur naturally in healthy biological sex males;**

**14 (3) "Gender", the psychological, behavioral, social, and cultural aspects of being  
15 male or female;**

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

16           **(4) "Gender reassignment surgery", any medical or surgical service that alters**  
17 **or removes physical or anatomical characteristics of an individual's biological sex for**  
18 **the purpose of gender transition;**

19           **(5) "Gender transition", the process in which an individual transitions from his**  
20 **or her biological sex to a gender different from his or her biological sex, which may**  
21 **involve social, legal, or physical changes;**

22           **(6) "Gender transition procedures":**

23           **(a) Any medical or surgical service, including, but not limited to, physician's**  
24 **services, inpatient and outpatient hospital services, or prescribed drugs, related to**  
25 **gender transition that seeks to:**

26           **a. Alter or remove physical or anatomical characteristics or features that are**  
27 **typical for the individual's biological sex; or**

28           **b. Instill or create physiological or anatomical characteristics that resemble a sex**  
29 **different from the individual's biological sex including, but not limited to:**

30           **(i) Medical services that provide puberty-blocking drugs, cross-sex hormones, or**  
31 **other mechanisms to promote the development of feminizing or masculinizing features**  
32 **in the opposite biological sex; or**

33           **(ii) Genital or nongenital gender reassignment surgery performed for the**  
34 **purpose of assisting an individual with a gender transition;**

35           **(b) The term "gender transition procedures" shall not include:**

36           **a. Services to individuals born with medically verifiable disorders of sex**  
37 **development, including individuals with external biological sex characteristics that are**  
38 **irresolvably ambiguous, such as those born with forty-six XX chromosomes with**  
39 **virilization or forty-six XY chromosomes with undervirilization;**

40           **b. Services provided when a physician has otherwise diagnosed an individual**  
41 **with a disorder of sexual development and determined through genetic or biochemical**  
42 **testing that the individual does not have normal sex chromosome structure, sex steroid**  
43 **hormone production, or sex steroid hormone action; or**

44           **c. The treatment of any infection, injury, disease, or disorder that has been**  
45 **caused by or exacerbated by the performance of gender transition procedures**  
46 **regardless of whether the gender transition procedure was performed in accordance**  
47 **with state and federal law;**

48           **(7) "Genital gender reassignment surgery", a medical procedure performed for**  
49 **the purpose of assisting an individual with a gender transition including, but not limited**  
50 **to:**

51           (a) Surgical procedures such as penectomy, orchiectomy, vaginoplasty,  
52 clitoroplasty, or vulvoplasty for biologically male patients or hysterectomy or  
53 ovariectomy for biologically female patients;

54           (b) Reconstruction of the fixed part of the urethra with or without a  
55 metoidioplasty; or

56           (c) Phalloplasty, vaginectomy, scrotoplasty, or implantation of erection or  
57 testicular prostheses for biologically female patients;

58           (8) "Health care provider", an individual who is licensed, certified, or otherwise  
59 authorized by the laws of this state to administer health care in the ordinary course of  
60 the practice of his or her profession;

61           (9) "Nongenital gender reassignment surgery", medical procedures performed  
62 for the purpose of assisting an individual with a gender transition including, but not  
63 limited to:

64           (a) Surgical procedures for biologically male patients, such as augmentation  
65 mammoplasty, facial feminization surgery, liposuction, lipofilling, voice surgery, thyroid  
66 cartilage reduction, gluteal augmentation, hair reconstruction, or various aesthetic  
67 procedures; or

68           (b) Surgical procedures for biologically female patients, such as subcutaneous  
69 mastectomy, voice surgery, liposuction, lipofilling, pectoral implants, or various  
70 aesthetic procedures;

71           (10) "Physician", an individual who is licensed as a physician under chapter 334;

72           (11) "Puberty-blocking drugs", gonadotropin-releasing hormone analogues or  
73 other synthetic drugs used in biological sex males to stop luteinizing hormone secretion  
74 and therefore testosterone secretion, or synthetic drugs used in biological sex females  
75 that stop the production of estrogens and progesterone, when used to delay or suppress  
76 pubertal development in children for the purpose of assisting an individual with a  
77 gender transition.

78           3. A physician or other health care provider shall not provide gender transition  
79 procedures to any individual under eighteen years of age and shall not refer any  
80 individual under eighteen years of age to any health care provider for gender transition  
81 procedures.

82           4. Any physician or health care provider who willfully and knowingly commits  
83 or assists any prohibited action under subsection 3 of this section shall have his or her  
84 license, application for license, or authority to practice his or her profession as a  
85 physician, surgeon, nurse, or other health care provider in the state of Missouri rejected  
86 or revoked by his or her respective licensing board.

87           **5. The provision of gender transition procedures to an individual under eighteen**  
88 **years of age in violation of the provisions of this section shall be considered grounds for**  
89 **a cause of action against the health care provider for personal injury or death under**  
90 **chapter 538 and such cause of action shall be governed by the provisions of such**  
91 **chapter. An individual under eighteen years of age upon whom gender transition**  
92 **procedures were performed in violation of this section may bring the cause of action**  
93 **either through a next friend or in his or her own name, subject to the provisions of**  
94 **section 516.105.**

568.060. 1. As used in this section, the following terms shall mean:

2           (1) "Abuse", the infliction of physical, sexual, or mental injury against a child by any  
3 person eighteen years of age or older. For purposes of this section, abuse shall not include  
4 injury inflicted on a child by accidental means by a person with care, custody, or control of  
5 the child, or discipline of a child by a person with care, custody, or control of the child,  
6 including spanking, in a reasonable manner;

7           (2) "Abusive head trauma", a serious physical injury to the head or brain caused by  
8 any means, including but not limited to shaking, jerking, pushing, pulling, slamming, hitting,  
9 or kicking;

10          (3) "Mental injury", an injury to the intellectual or psychological capacity or the  
11 emotional condition of a child as evidenced by an observable and substantial impairment of  
12 the ability of the child to function within his or her normal range of performance or behavior;

13          (4) "Neglect", the failure to provide, by those responsible for the care, custody, and  
14 control of a child under the age of eighteen years, the care reasonable and necessary to  
15 maintain the physical and mental health of the child, when such failure presents a substantial  
16 probability that death or physical injury or sexual injury would result;

17          (5) "Physical injury", physical pain, illness, or any impairment of physical condition,  
18 including but not limited to bruising, lacerations, hematomas, welts, or permanent or  
19 temporary disfigurement and impairment of any bodily function or organ;

20          (6) "Serious emotional injury", an injury that creates a substantial risk of temporary or  
21 permanent medical or psychological damage, manifested by impairment of a behavioral,  
22 cognitive, or physical condition. Serious emotional injury shall be established by testimony  
23 of qualified experts upon the reasonable expectation of probable harm to a reasonable degree  
24 of medical or psychological certainty;

25          (7) "Serious physical injury", a physical injury that creates a substantial risk of death  
26 or that causes serious disfigurement or protracted loss or impairment of the function of any  
27 part of the body.

28          2. A person commits the offense of abuse or neglect of a child if such person  
29 knowingly causes a child who is less than eighteen years of age:

30 (1) To suffer physical or mental injury as a result of abuse or neglect; or

31 (2) To be placed in a situation in which the child may suffer physical or mental injury  
32 as the result of abuse or neglect.

33 3. A person commits the offense of abuse or neglect of a child if such person  
34 recklessly causes a child who is less than eighteen years of age to suffer from abusive head  
35 trauma.

36 4. **A person commits the offense of abuse or neglect of a child if such person**  
37 **coerces a child who is under eighteen years of age to undergo any surgical or hormonal**  
38 **treatment for the purpose of gender transition, as defined in section 191.1720.**

39 5. A person does not commit the offense of abuse or neglect of a child by virtue of the  
40 sole fact that the person delivers or allows the delivery of a child to a provider of emergency  
41 services.

42 ~~[5-]~~ 6. The offense of abuse or neglect of a child is:

43 (1) A class D felony, without eligibility for probation, parole, or conditional release  
44 until the defendant has served no less than one year of such sentence, unless the person has  
45 previously been found guilty of a violation of this section or of a violation of the law of any  
46 other jurisdiction that prohibits the same or similar conduct or the injury inflicted on the child  
47 is a serious emotional injury or a serious physical injury, in which case abuse or neglect of a  
48 child is a class B felony, without eligibility for probation or parole until the defendant has  
49 served not less than five years of such sentence; or

50 (2) A class A felony if the child dies as a result of injuries sustained from conduct  
51 chargeable under the provisions of this section.

52 ~~[6-]~~ 7. Notwithstanding subsection ~~[5]~~ 6 of this section to the contrary, the offense of  
53 abuse or neglect of a child is a class A felony, without eligibility for probation, parole, or  
54 conditional release until the defendant has served not less than fifteen years of such sentence,  
55 if:

56 (1) The injury is a serious emotional injury or a serious physical injury;

57 (2) The child is less than fourteen years of age; and

58 (3) The injury is the result of sexual abuse or sexual abuse in the first degree as  
59 defined under section 566.100 or sexual exploitation of a minor as defined under section  
60 573.023.

61 ~~[7-]~~ 8. The circuit or prosecuting attorney may refer a person who is suspected of  
62 abuse or neglect of a child to an appropriate public or private agency for treatment or  
63 counseling so long as the agency has consented to taking such referrals. Nothing in this  
64 subsection shall limit the discretion of the circuit or prosecuting attorney to prosecute a  
65 person who has been referred for treatment or counseling pursuant to this subsection.

66           ~~[8-]~~ 9. Nothing in this section shall be construed to alter the requirement that every  
67 element of any crime referred to herein must be proven beyond a reasonable doubt.

68           ~~[9-]~~ 10. Discipline, including spanking administered in a reasonable manner, shall not  
69 be construed to be abuse under this section.

          578.421. 1. Sections 578.421 to 578.437 shall be known and may be cited as the  
2 "Missouri Criminal Street Gangs Prevention Act".

3           2. As used in sections 578.421 to 578.437, the following terms mean:

4           (1) "Criminal street gang", any ongoing organization, association, or group of three or  
5 more persons, whether formal or informal, having as one of its motivating activities the  
6 commission of one or more of the criminal acts enumerated in subdivision (2) of this  
7 subsection, whose members individually or collectively engage in or have engaged in a  
8 pattern of criminal gang activity;

9           (2) "Pattern of criminal street gang activity", the commission, attempted commission,  
10 or solicitation of two or more of the following offenses, provided at least one of those  
11 offenses occurred after August 28, 1993, and the last of those offenses occurred within three  
12 years after a prior offense, and the offenses are committed on separate occasions, or by two or  
13 more persons:

14           (a) Assault with a deadly weapon or by means of force likely to cause serious  
15 physical injury, as provided in sections 565.050 and 565.052;

16           (b) Robbery, arson and those offenses under chapter 569 which are related to robbery  
17 and arson;

18           (c) Murder or manslaughter, as provided in sections 565.020 to 565.024;

19           (d) Any violation of the provisions of chapter 579 which involves the distribution,  
20 delivery or manufacture of a substance prohibited by chapter 579;

21           (e) Unlawful use of a weapon which is a felony pursuant to section 571.030;

22           (f) Tampering with witnesses and victims, as provided in section 575.270;

23           (g) Promoting online sexual solicitation, as provided in section 566.103;

24           (h) Sexual trafficking of a child in the first degree, as provided in section 566.210;

25           (i) Sexual trafficking of a child in the second degree, as provided in section 566.211;

26           (j) Patronizing prostitution, as provided in subsection 4 of section 567.030;

27           (k) Promoting prostitution in the first degree, as provided in section 567.050;

28           (l) Promoting prostitution in the second degree, as provided in section 567.060;

29           (m) Abuse or neglect of a child, as provided in subsection ~~[6]~~ 7 of section 568.060;

30           (n) Sexual exploitation of a minor, as provided in section 573.023;

31           (o) Child used in sexual performance, as provided in section 573.200;

32           (p) Promoting sexual performance by a child, as provided in section 573.205; or

33           (q) Any dangerous felony, as defined in section 556.061.