

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Introduced

House Bill 5187

By Delegates Crouse, Petitto, Adkins, Maynor, Horst

and Dean

[Introduced January 25, 2024; Referred to the
Committee on Health and Human Resources]

1 A BILL to amend and reenact §30-3-20 of the Code of West Virginia, 1931, as amended; and to
 2 amend and reenact §30-14-17 of said code, all relating to removing hormone therapy as a
 3 means of medical treatment for minors.

Be it enacted by the Legislature of West Virginia:

ARTICLE 3. WEST VIRGINIA MEDICAL PRACTICE ACT.

§30-3-20. Prohibited practice.

1 (a) For the purposes of this section:

2 "Biological sex" means the biological indication of male and female in the context of
 3 reproductive potential or capacity, such as sex chromosomes, naturally occurring sex hormones,
 4 gonads, and nonambiguous internal and external genitalia present at birth, without regard to an
 5 individual's psychological, chosen, or subjective experience or gender.

6 "Gender" means the psychological, behavioral, social and cultural aspects of being male
 7 or female.

8 "Gender altering medication" means the prescribing or administering of the following for
 9 the purpose of assisting an individual with a gender transition:

- 10 (1) Puberty blocking medication to stop or delay normal puberty;
- 11 (2) Supraphysiologic doses of testosterone or other androgens to females; and
- 12 (3) Supraphysiologic doses of estrogen to males.

13 "Gender transition" means the process in which a person goes from identifying with and
 14 living as a gender that corresponds to the person's biological sex to identifying with and living as a
 15 gender different from the person biological sex and may involve social, legal, or physical changes.

16 "Irreversible gender reassignment surgery" means a medical procedure performed for the
 17 purpose of assisting an individual with a gender transition, including any of the following:

- 18 (1) Penectomy, orchiectomy, vaginoplasty, clitoroplasty, or vulvoplasty for biologically male
 19 patients or hysterectomy or ovariectomy for biologically female patients;
- 20 (2) Metoidioplasty, phalloplasty, vaginectomy, scrotoplasty, or implantation of erection or

21 testicular prostheses for biologically female patients; and

22 (3) Augmentation mammoplasty for biological male patient and subcutaneous mastectomy
23 for female patients.

24 (b) Except as otherwise provided in §30-3-20(c), a physician may not provide irreversible
25 gender reassignment surgery or gender altering medication to a person who is under eighteen
26 years of age.

27 (c) A physician may provide any of the following to a person who is under 18 years of age:

28 (1) Services provided to an individual born with a medically verifiable disorder of sex
29 development, including, but not limited to, a person with external biological sex characteristics that
30 are irresolvably ambiguous, such as an individual born with forty-six xx chromosomes with
31 virilization, forty-six xy chromosomes with undervirilization, or having both ovarian and testicular
32 tissue;

33 (2) Services provided to an individual when a physician has otherwise diagnosed a
34 disorder of sexual development and in which the physician has determined through genetic or
35 biochemical testing that the individual does not have normal sex chromosome structure, sex
36 steroid hormone production, or sex steroid hormone action;

37 (3) The treatment of any infection, injury, disease, or disorder that has been caused by or
38 exacerbated by the performance of gender transition procedures, whether or not these
39 procedures were performed in accordance with state and federal law; and

40 (4) Any procedure undertaken because the individual suffers from a physical disorder,
41 physical injury, or physical illness that would, as certified by a physician, place the person in
42 imminent danger of death, or impairment of a major bodily function unless surgery is performed.

43 (5) Pubertal modulating ~~and hormonal therapy~~ for severe gender dysphoria if:

44 (A) The minor has been diagnosed as suffering from severe gender dysphoria by no fewer
45 than two medical or mental health providers with at least one being a mental health provider or
46 adolescent medicine specialist, and both having relevant training in the diagnosis and treatment of

47 severe gender dysphoria in adolescents;

48 (B) The diagnosing medical professionals express in written opinions that treatment with
49 pubertal modulating ~~and hormonal therapy~~ is medically necessary to treat the minor's psychiatric
50 symptoms and limit self-harm, or the possibility of self-harm, by the minor;

51 (C) The minor, the minor's parents, legal guardians, or person or other persons charged
52 with medical decision-making for the minor, and the minor's primary physician agree in writing with
53 the treatment with pubertal modulating ~~and hormonal therapy~~ for the minor;

54 (D) Any use of gender altering medication is for purposes of pubertal ~~modulating and~~
55 ~~hormonal therapy~~ limited to the lowest titratable dosage necessary to treat the psychiatric
56 condition and not for purposes of gender transition; and

57 (E) ~~Notwithstanding the provisions of paragraphs (A) through (D) of this subdivision where~~
58 ~~the minor is prepubescent, hormonal treatment may not be provided~~ Hormonal therapy, otherwise
59 known as "hormone blockers," may not be provided in any circumstance.

60 (d) The provisions of this section are effective on January 1, 2024.

ARTICLE 14. OSTEOPATHIC PHYSICIANS AND SURGEONS.

§30-14-17. Prohibited practice.

1 (a) For the purposes of this section:

2 "Biological sex" means the biological indication of male and female in the context of
3 reproductive potential or capacity, such as sex chromosomes, naturally occurring sex hormones,
4 gonads, and nonambiguous internal and external genitalia present at birth, without regard to an
5 individual's psychological, chosen, or subjective experience or gender.

6 "Gender" means the psychological, behavioral, social and cultural aspects of being male
7 or female.

8 "Gender altering medication" means the prescribing or administering of the following for
9 the purpose of assisting an individual with a gender transition:

10 (1) Puberty blocking medication to stop or delay normal puberty;

11 (2) Supraphysiologic doses of testosterone or other androgens to females; and

12 (3) Supraphysiologic doses of estrogen to males.

13 "Gender transition" means the process in which a person goes from identifying with and
14 living as a gender that corresponds to the person's biological sex to identifying with and living as a
15 gender different from the person biological sex and may involve social, legal, or physical changes.

16 "Irreversible gender reassignment surgery" means a medical procedure performed for the
17 purpose of assisting an individual with a gender transition, including any of the following:

18 (1) Penectomy, orchiectomy, vaginoplasty, clitoroplasty, or vulvoplasty for biologically male
19 patients or hysterectomy or ovariectomy for biologically female patients;

20 (2) Metoidioplasty, phalloplasty, vaginectomy, scrotoplasty, or implantation of erection or
21 testicular prostheses for biologically female patients; and

22 (3) Augmentation mammoplasty for biological male patient and subcutaneous mastectomy
23 for female patients.

24 (b) Except as otherwise provided in §30-14-17(c), a physician may not provide irreversible
25 gender reassignment surgery or gender altering medication to a person who is under eighteen
26 years of age.

27 (c) A physician may provide any of the following to a person who is under 18 years of age:

28 (1) Services provided to an individual born with a medically verifiable disorder of sex
29 development, including, but not limited to, a person with external biological sex characteristics that
30 are irresolvably ambiguous, such as an individual born with forty-six xx chromosomes with
31 virilization, forty-six xy chromosomes with undervirilization, or having both ovarian and testicular
32 tissue;

33 (2) Services provided to an individual when a physician has otherwise diagnosed a
34 disorder of sexual development and in which the physician has determined through genetic or
35 biochemical testing that the individual does not have normal sex chromosome structure, sex
36 steroid hormone production, or sex steroid hormone action;

37 (3) The treatment of any infection, injury, disease, or disorder that has been caused by or
38 exacerbated by the performance of gender transition procedures, whether or not these
39 procedures were performed in accordance with state and federal law; and

40 (4) Any procedure undertaken because the individual suffers from a physical disorder,
41 physical injury, or physical illness that would, as certified by a physician, place the person in
42 imminent danger of death, or impairment of a major bodily function unless surgery is performed.

43 (5) Pubertal modulating ~~and hormonal therapy~~ for severe gender dysphoria if:

44 (A) The minor has been diagnosed as suffering from severe gender dysphoria by no fewer
45 than two medical or mental health providers with at least one being a mental health provider or
46 adolescent medicine specialist and both having relevant training in the diagnosis and treatment of
47 severe gender dysphoria in adolescents;

48 (B) The diagnosing medical professionals express in written opinions that treatment with
49 pubertal modulating ~~and hormonal therapy~~ is medically necessary to treat the minor's psychiatric
50 symptoms and limit self-harm, or the possibility of self-harm, by the minor;

51 (C) The minor, the minor's parents, legal guardians, or person or persons charged with
52 medical decision-making for the minor and the minor's primary physician agree in writing with the
53 treatment with gender altering medication for the minor;

54 (D) Any use of gender altering medication is for purposes of pubertal modulating ~~and~~
55 ~~hormonal therapy~~ and is limited to the lowest titratable dosage necessary to treat the psychiatric
56 condition and not for purposes of gender transition; and

57 (E) ~~Notwithstanding the provisions of paragraphs (A) through (D) of this subdivision where~~
58 ~~the minor is prepubescent, hormonal treatment may not be provided~~ Hormonal therapy, otherwise
59 known as "hormone blockers," may not be provided in any circumstance.

60 (d) The provisions of this section are effective on January 1, 2024.

NOTE: The purpose of this bill is to remove hormone therapy as a means of medical

treatment for minors.

Strike-throughs indicate language that would be stricken from a heading or the present law, and underscoring indicates new language that would be added.