

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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SENATE BILL 631
Education/Higher Education Committee Substitute Adopted 4/18/23
House Committee Substitute Favorable 6/20/23

Short Title: Minor Gender Trans. Proc./Public Providers.

(Public)

Sponsors:

Referred to:

April 6, 2023

1 A BILL TO BE ENTITLED
2 AN ACT TO PROHIBIT THE USE OF PUBLIC HEALTHCARE FACILITIES AND STATE
3 FUNDS FOR GENDER TRANSITION PROCEDURES ON MINORS.

4 The General Assembly of North Carolina enacts:

5 SECTION 1.(a) Chapter 90 of the General Statutes is amended by adding a new
6 Article to read:

7 "Article 1N.

8 "Gender Transition Procedures on Minors.

9 "**§ 90-21.150. Definitions.**

10 The following definitions apply in this Article:

- 11 (1) Biological sex. – The biological indication of male and female in the context
12 of reproductive potential or capacity, such as sex chromosomes, naturally
13 occurring sex hormones, gonads, and nonambiguous internal and external
14 genitalia present at birth, without regard to an individual's psychological,
15 chosen, or subjective experience of gender.
- 16 (2) Cross-sex hormones. – Supraphysiologic doses of testosterone or other
17 androgens to members of the female biological sex or supraphysiologic doses
18 of estrogen or synthetic compounds with estrogenic activity to members of the
19 male biological sex.
- 20 (3) Gender. – The psychological, behavioral, social, and cultural aspects of being
21 male or female.
- 22 (4) Gender reassignment surgery. – Any medical or surgical service that seeks to
23 surgically alter or remove healthy physical or anatomical characteristics or
24 features that are typical for the individual's biological sex, in order to instill or
25 create physiological or anatomical characteristics that resemble a sex different
26 from the individual's biological sex, including a genital or non-genital gender
27 reassignment surgery as defined in this section.
- 28 (5) Gender transition. – The process in which a person goes from identifying with
29 and living as a gender that corresponds to his or her biological sex to
30 identifying with and living as a gender different from his or her biological sex
31 and may involve social, legal, or physical changes.
- 32 (6) Genital gender reassignment surgery. – A gender reassignment surgery
33 performed for the purpose of assisting an individual with a gender transition,
34 including, without limitation, any of the following:



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- 1 a. Surgical procedures such as penectomy, orchiectomy, vaginoplasty,
 2 clitoroplasty, or vulvoplasty for biologically male patients or
 3 hysterectomy or ovariectomy for biologically female patients.
 4 b. Reconstruction of the fixed part of the urethra with or without a
 5 metoidioplasty.
 6 c. Phalloplasty, vaginectomy, scrotoplasty, or implantation of erection or
 7 testicular prostheses for biologically female patients.
 8 (7) Health care provider. – As defined in G.S. 90-410.
 9 (8) Local health department. – As defined in G.S. 130A-2.
 10 (9) Minor. – An individual who is younger than 18 years of age.
 11 (10) Non-genital gender reassignment surgery. – A gender reassignment surgery
 12 performed for the purpose of assisting an individual with a gender transition,
 13 including, without limitation, any of the following:
 14 a. Surgical procedures for biologically male patients, such as
 15 augmentation mammoplasty, facial feminization surgery, liposuction,
 16 lipofilling, voice surgery, thyroid cartilage reduction, gluteal
 17 augmentation, hair reconstruction, or various aesthetic procedures.
 18 b. Surgical procedures for biologically female patients, such as
 19 subcutaneous mastectomy, voice surgery, liposuction, lipofilling,
 20 pectoral implants, or various aesthetic procedures.
 21 (11) Puberty-blocking drugs. – Gonadotropin releasing hormone analogues or
 22 other synthetic drugs used in biological males to stop luteinizing hormone
 23 secretion and therefore testosterone secretion, or synthetic drugs used in
 24 biological females which stop the production of estrogens and progesterone,
 25 when used to delay or suppress pubertal development in children for the
 26 purpose of assisting an individual with a gender transition.
 27 (12) Public healthcare facility. – Any of the following:
 28 a. The University of North Carolina Health Care System.
 29 b. Any healthcare institution, agency, or entity which has an affiliation
 30 agreement with The University of North Carolina, a constituent
 31 institution of The University of North Carolina, or the University of
 32 North Carolina Health Care System.
 33 c. Any facility operated by the Division of State Operated Healthcare
 34 Facilities, Department of Health and Human Services.
 35 d. Any local health department.
 36 e. Any healthcare facility created or operated under Article 2 of Chapter
 37 131E of the General Statutes.
 38 (13) Surgical gender transition procedure. – Any surgical service, including,
 39 without limitation, genital gender reassignment surgery and non-genital
 40 reassignment surgery, physician's services, and inpatient and outpatient
 41 hospital services related to gender transition, that seeks to do any of the
 42 following for the purpose of effecting a gender transition:
 43 a. Alter or remove physical or anatomical characteristics or features that
 44 are typical for the individual's biological sex.
 45 b. Instill or create physiological or anatomical characteristics that
 46 resemble a sex different from the individual's biological sex.

47 **§ 90-21.151. Limitations on gender transition procedures.**

48 (a) It shall be unlawful for a public healthcare facility, or a health care provider employed
 49 by or under contract with a public healthcare facility, to perform a surgical gender transition
 50 procedure on a minor or to provide or dispense puberty-blocking drugs or cross-sex hormones to
 51 a minor.

1 (b) Notwithstanding subsection (a) of this section, a public healthcare facility, or a health
2 care provider employed by or under contract with a public healthcare facility, shall not be
3 prohibited from providing any of the following procedures to a minor:

4 (1) Services to persons born with a medically verifiable disorder of sex
5 development, including a person with external biological sex characteristics
6 that are unresolvedly ambiguous, such as those born with 46 XX
7 chromosomes with virilization, 46 XY chromosomes with under-virilization,
8 or having both ovarian and testicular tissue.

9 (2) Services provided when a physician has otherwise diagnosed a disorder of
10 sexual development that the physician has determined through genetic or
11 biochemical testing that the person does not have normal sex chromosome
12 structure, sex steroid hormone production, or sex steroid hormone action.

13 (3) The treatment of any infection, injury, disease, or disorder that has been
14 caused by or exacerbated by the performance of gender transition procedures,
15 whether or not the gender transition procedure was performed in accordance
16 with State and federal law.

17 (4) Breast reduction procedures for a female patient causing a physical disorder.

18 (5) Any procedure undertaken because the individual suffers from a physical
19 disorder, physical injury, or physical illness that would, as certified by a
20 physician, place the individual in imminent danger of death or impairment of
21 major bodily function unless surgery is performed.

22 (6) Any procedure, including those listed in G.S. 90-21.150(6) and (10), which a
23 treating physician certifies is medically necessary to treat a physiological
24 condition.

25 (c) Nothing in this Article shall be construed to require a health care provider to perform
26 a surgical gender transition procedure or to provide or dispense puberty-blocking drugs."

27 **SECTION 1.(b)** Article 6 of Chapter 143C of the General Statutes is amended by
28 adding a new section to read:

29 **"§ 143C-6-5.6. Limitation on use of State funds for gender transition procedures.**

30 (a) The following definitions apply in this section:

31 (1) Cross-sex hormones. – As defined in G.S. 90-21.150.

32 (2) Minor. – As defined in G.S. 90-21.150.

33 (3) Puberty-blocking drugs. – As defined in G.S. 90-21.150.

34 (4) Surgical gender transition procedure. – As defined in G.S. 90-21.150.

35 (b) No State funds may be used, directly or indirectly, for the performance of or in
36 furtherance of surgical gender transition procedures, or to provide puberty-blocking drugs or
37 cross-sex hormones to a minor, or to support the administration of any governmental health plan
38 or government-offered insurance policy offering surgical gender transition procedures,
39 puberty-blocking drugs, or cross-sex hormones to a minor.

40 (c) Subsection (b) of this section shall not apply to the State Health Plan for Teachers and
41 State Employees."

42 **SECTION 2.** This act becomes effective October 1, 2023. Subsection (c) of
43 G.S. 143C-6-5.6, as enacted by this act, expires 30 days after the Memorandum and Order, dated
44 June 10, 2022, or the permanent injunction ordered therein in *Kadel v. Folwell*, 1:19CV272 is
45 vacated, overturned, or is no longer in force. The State Health Plan for Teachers and State
46 Employees shall notify the Revisor of Statutes if the order or injunction is vacated, overturned,
47 or no longer in force.