

SB0460/883027/1

BY: Delegate Arikan

AMENDMENTS TO SENATE BILL 460
(Third Reading File Bill)

AMENDMENT NO. 1

On page 1, strike in their entirety lines 2 and 3, and substitute “**Public Health – Gender Reassignment Surgery – Prohibition**”; and strike beginning with “requiring” in line 4 down through “Program” in line 12 and substitute “prohibiting a physician from performing irreversible gender reassignment surgery on an individual who is under a certain age; and generally relating to gender reassignment surgery”.

On pages 1 and 2, strike in their entirety the lines beginning with line 13 on page 1 through line 6 on page 2, inclusive, and substitute:

“BY adding to

Article – Health – General

Section 20–2301 and 20–2302 to be under the new subtitle “Subtitle 23. Gender Reassignment Surgery”

Annotated Code of Maryland

(2019 Replacement Volume and 2022 Supplement)”.”

AMENDMENT NO. 2

On page 2, after line 9, insert:

“SUBTITLE 23. GENDER REASSIGNMENT SURGERY.

20–2301.

(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) “BIOLOGICAL SEX” MEANS THE PHYSICAL, BIOLOGICAL INDICATION OF MALE OR FEMALE IN THE CONTEXT OF REPRODUCTIVE POTENTIAL OR CAPACITY, WITHOUT REGARD TO AN INDIVIDUAL’S PSYCHOLOGICAL, CHOSEN, OR SUBJECTIVE EXPERIENCE OR GENDER, AS DETERMINED BY NATURALLY OCCURRING SEX HORMONES, GONADS, AND UNAMBIGUOUS INTERNAL OR EXTERNAL GENITALIA PRESENT AT BIRTH.

(C) “GENDER” MEANS THE PSYCHOLOGICAL, BEHAVIORAL, SOCIAL, AND CULTURAL ASPECTS OF BEING MALE OR FEMALE.

(D) (1) “GENDER TRANSITION” MEANS THE PROCESS THROUGH WHICH AN INDIVIDUAL IDENTIFYING WITH AND LIVING AS THE GENDER THAT CORRESPONDS TO THE INDIVIDUAL’S BIOLOGICAL SEX CHANGES TO IDENTIFYING WITH AND LIVING AS A GENDER DIFFERENT FROM THE INDIVIDUAL’S BIOLOGICAL SEX.

(2) “GENDER TRANSITION” INCLUDES SOCIAL, PHYSICAL, AND LEGAL CHANGES.

(E) (1) “IRREVERSIBLE GENDER REASSIGNMENT SURGERY” MEANS A MEDICAL PROCEDURE PERFORMED FOR THE PURPOSE OF ASSISTING AN INDIVIDUAL IN ACCOMPLISHING A GENDER TRANSITION.

(2) “IRREVERSIBLE GENDER REASSIGNMENT SURGERY” INCLUDES:

(I) PENECTOMY;

(II) ORCHIECTOMY;

(III) VAGINOPLASTY;

(IV) CLITOROPLASTY;

(V) VULVOPLASTY;

(VI) HYSTORECTOMY;

(VII) OVARIECTOMY;

(VIII) METOIDIOPLASTY;

(IX) PHALLOPLASTY;

(X) VAGINECTOMY;

(XI) SCROTOPLASTY;

(XII) IMPLANTATION OF ERECTION OR TESTICULAR
PROSTHESES;

(XIII) AUGMENTATION MAMMOPLASTY; AND

(XIV) SUBCUTANEOUS MASTECTOMY.

20-2302.

(Over)

(A) EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, A PHYSICIAN MAY NOT PERFORM IRREVERSIBLE GENDER REASSIGNMENT SURGERY ON AN INDIVIDUAL WHO IS UNDER THE AGE OF 18 YEARS.

(B) A PHYSICIAN MAY PROVIDE THE FOLLOWING TO AN INDIVIDUAL WHO IS UNDER THE AGE OF 18 YEARS:

(1) TREATMENT OF A MEDICALLY VERIFIABLE SEXUAL DEVELOPMENT DISORDER, INCLUDING AMBIGUOUS EXTERNAL BIOLOGICAL SEX CHARACTERISTICS SUCH AS THOSE PRESENT IN INDIVIDUALS WITH 46 XX INTERSEX, 46 XY INTERSEX, OR TRUE GONADAL INTERSEX;

(2) TREATMENT OF A DIAGNOSED DISORDER OF SEXUAL DEVELOPMENT IF GENETIC OR BIOCHEMICAL TESTING HAS DETERMINED THAT THE INDIVIDUAL DOES NOT HAVE NORMAL SEX CHROMOSOME STRUCTURE, SEX STEROID HORMONE PRODUCTION, OR SEX STEROID HORMONE ACTION;

(3) TREATMENT OF AN INFECTION, AN INJURY, A DISEASE, OR A DISORDER THAT WAS CAUSED OR HAS BEEN EXACERBATED BY GENDER TRANSITION PROCEDURES, REGARDLESS OF WHETHER THE GENDER TRANSITION PROCEDURE WAS PROVIDED IN ACCORDANCE WITH FEDERAL AND STATE LAW; AND

(4) ANY OTHER PROCEDURE DETERMINED NECESSARY BECAUSE THE INDIVIDUAL SUFFERS FROM A PHYSICAL DISORDER, INJURY, OR ILLNESS THAT IS CERTIFIED BY A PHYSICIAN TO PLACE THE INDIVIDUAL IN IMMINENT DANGER OF DEATH OR IMPAIRMENT OF A MAJOR BODILY FUNCTION WITHOUT THE PROCEDURE.”.

On pages 2 through 6, strike in their entirety the lines beginning with line 10 on page 2 through line 4 on page 6, inclusive.