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135th General Assembly  
Regular Session  
2023-2024

Sub. H. B. No. 68

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**A BILL**

To enact sections 3109.054, 3129.01, 3129.02, 1  
3129.03, 3129.04, 3129.05, 3129.06, 3313.5319, 2  
and 3345.562 of the Revised Code to enact the 3  
Saving Ohio Adolescents from Experimentation 4  
(SAFE) Act regarding gender transition services 5  
for minors, and to enact the Save Women's Sports 6  
Act to require schools, state institutions of 7  
higher education, and private colleges to 8  
designate separate single-sex teams and sports 9  
for each sex. 10

**BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:**

**Section 1.** That sections 3109.054, 3129.01, 3129.02, 11  
3129.03, 3129.04, 3129.05, 3129.06, 3313.5319, and 3345.562 of 12  
the Revised Code be enacted to read as follows: 13

**Sec. 3109.054.** When allocating parental rights and 14  
responsibilities or parenting time, a court shall not consider a 15  
parent's decision to do any of the following: 16

(A) Refer to and raise the child in a manner consistent 17



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with the child's biological sex; 18

(B) Decline to consent to the child receiving gender transition services as defined in section 3129.01 of the Revised Code; 19  
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(C) Decline to consent to the child receiving counseling or other mental health services for the purpose of affirming the child's perception of the child's gender or sex, if the child's perception is inconsistent with the child's biological sex. 22  
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**Sec. 3129.01.** As used in this chapter: 26

(A) "Biological sex," "birth sex," and "sex" mean the biological indication of male and female, including sex chromosomes, naturally occurring sex hormones, gonads, and nonambiguous internal and external genitalia present at birth, without regard to an individual's psychological, chosen, or subjective experience of gender. 27  
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(B) "Cross-sex hormone" means testosterone, estrogen, or progesterone given to a minor individual in an amount greater than would normally be produced endogenously in a healthy individual of the minor individual's age and sex. 33  
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(C) "Gender" means the psychological, behavioral, social, and cultural aspects of being male or female. 37  
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(D) "Gender reassignment surgery" means any surgery performed for the purpose of assisting an individual with gender transition that seeks to surgically alter or remove healthy physical or anatomical characteristics or features that are typical for the individual's biological sex, in order to instill or create physiological or anatomical characteristics that resemble a sex different from the individual's birth sex, including genital or non-genital gender reassignment surgery. 39  
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(E) "Gender-related condition" means any condition where 47  
an individual feels an incongruence between the individual's 48  
gender identity and biological sex. "Gender-related condition" 49  
includes gender dysphoria. 50

(F) "Gender transition" means the process in which an 51  
individual goes from identifying with and living as a gender 52  
that corresponds to his or her biological sex to identifying 53  
with and living as a gender different from his or her biological 54  
sex, including social, legal, or physical changes. 55

(G) "Gender transition services" means any medical or 56  
surgical service (including physician services, inpatient and 57  
outpatient hospital services, or prescription drugs or hormones) 58  
provided for the purpose of assisting an individual with gender 59  
transition that seeks to alter or remove physical or anatomical 60  
characteristics or features that are typical for the 61  
individual's biological sex, or to instill or create 62  
physiological or anatomical characteristics that resemble a sex 63  
different from the individual's birth sex, including medical 64  
services that provide puberty blocking drugs, cross-sex 65  
hormones, or other mechanisms to promote the development of 66  
feminizing or masculinizing features in the opposite sex, or 67  
genital or non-genital gender reassignment surgery. 68

(H) "Genital gender reassignment surgery" means surgery 69  
performed for the purpose of assisting an individual with gender 70  
transition and includes both of the following: 71

(1) Surgeries that sterilize, such as castration, 72  
vasectomy, hysterectomy, oophorectomy, orchiectomy, and 73  
penectomy; 74

(2) Surgeries that artificially construct tissue with the 75

appearance of genitalia that differs from the individual's 76  
biological sex, such as metoidioplasty, phalloplasty, and 77  
vaginoplasty. 78

(I) "Mental health professional" means all of the 79  
following: 80

(1) Either of the following advanced practice registered 81  
nurses who holds a current, valid license issued under Chapter 82  
4723. of the Revised Code that authorizes the practice of 83  
nursing as an advanced practice registered nurse: 84

(a) A clinical nurse specialist who is certified as a 85  
psychiatric-mental health CNS by the American nurses 86  
credentialing center; 87

(b) A certified nurse practitioner who is certified as a 88  
psychiatric-mental health NP by the American nurses 89  
credentialing center. 90

(2) A physician specializing in psychiatry; 91

(3) A psychologist, school psychologist, or independent 92  
school psychologist licensed under Chapter 4732. of the Revised 93  
Code or under rules adopted in accordance with sections 3301.07 94  
and 3319.22 of the Revised Code; 95

(4) An independent social worker, social worker, licensed 96  
professional clinical counselor, licensed professional 97  
counselor, independent marriage and family therapist, or 98  
marriage and family therapist licensed under Chapter 4757. of 99  
the Revised Code. 100

(J) "Minor individual" means an individual under eighteen 101  
years of age. 102

(K) "Non-genital gender reassignment surgery" means 103

surgery performed for the purpose of assisting an individual 104  
with gender transition such as augmentation mammoplasty, facial 105  
feminization surgery, liposuction, lipofilling, voice surgery, 106  
thyroid cartilage reduction, gluteal augmentation, pectoral 107  
implants, or other aesthetic procedures. 108

(L) "Physician" means an individual authorized under 109  
Chapter 4731. of the Revised Code to practice medicine and 110  
surgery or osteopathic medicine and surgery. 111

(M) "Puberty-blocking drugs" means Gonadotropin-releasing 112  
hormone analogs or other synthetic drugs used to stop 113  
luteinizing hormone and follicle stimulating hormone secretion, 114  
synthetic antiandrogen drugs used to block the androgen 115  
receptor, or any drug to delay or suppress normal puberty. 116

Sec. 3129.02. A physician shall not knowingly do any of 117  
the following: 118

(A) Perform gender reassignment surgery on a minor 119  
individual; 120

(B) Prescribe a cross-sex hormone or puberty-blocking drug 121  
for a minor individual for the purpose of assisting the minor 122  
individual with gender transition; 123

(C) Engage in conduct that aids or abets in the practices 124  
described in division (A) or (B) of this section, provided that 125  
this section may not be construed to impose liability on any 126  
speech protected by federal or state law. 127

Sec. 3129.03. (A) Notwithstanding section 5122.04 of the 128  
Revised Code, no mental health professional shall diagnose or 129  
treat a minor individual who presents for the diagnosis or 130  
treatment of a gender-related condition without first obtaining 131  
the consent of each residential parent and legal custodian of 132

the minor individual or of the minor individual's guardian. 133

(B) No mental health professional shall diagnose or treat 134  
a minor individual who presents for the diagnosis or treatment 135  
of a gender-related condition without screening the minor 136  
individual for both of the following during the course of 137  
diagnosis and treatment: 138

(1) Other comorbidities that may be influencing the minor 139  
individual's gender-related condition, including depression, 140  
anxiety, attention deficit hyperactivity disorder, autism 141  
spectrum disorder, and other mental health conditions; 142

(2) Physical, sexual, mental, and emotional abuse and 143  
other traumas. 144

**Sec. 3129.04.** This chapter does not prohibit a physician 145  
from treating, including by performing surgery on or prescribing 146  
drugs or hormones for, a minor individual who meets any of the 147  
following: 148

(A) Was born with a medically verifiable disorder of sex 149  
development, including an individual with external biological 150  
sex characteristics that are irresolvably ambiguous, such as an 151  
individual born with forty-six XX chromosomes with virilization, 152  
forty-six XY chromosomes with undervirilization, or having both 153  
ovarian and testicular tissue; 154

(B) Received a diagnosis of a disorder of sexual 155  
development, in which a physician has determined through genetic 156  
or biochemical testing that the individual does not have normal 157  
sex chromosome structure, sex steroid hormone production, or sex 158  
steroid hormone action for a biological male or biological 159  
female; 160

(C) Needs treatment for any infection, injury, disease, or 161

disorder that has been caused or exacerbated by the performance 162  
of gender transition services, whether or not the services were 163  
performed in accordance with state or federal law. 164

**Sec. 3129.05.** (A) Any violation of section 3129.02, 165  
section 3129.03, or section 3129.06 of the Revised Code shall be 166  
considered unprofessional conduct and subject to discipline by 167  
the applicable professional licensing board. 168

(B) Nothing in this chapter shall be construed to preempt 169  
any other private cause of action arising under the common law 170  
of this state. 171

(C) The attorney general may bring an action to enforce 172  
compliance with section 3129.02 or 3129.03 of the Revised Code. 173  
Nothing in this chapter shall be construed to deny, impair, or 174  
otherwise affect any right or authority of the attorney general, 175  
the state, or any agency, officer, or employee of the state, 176  
acting under any provision of the Revised Code, to institute or 177  
intervene in any proceeding. 178

**Sec. 3129.06.** (A) Medical assistance provided under the 179  
medicaid program shall not include coverage for gender 180  
transition services for minor individuals. 181

(B) This section does not apply to any of the following: 182

(1) The circumstances described in section 3129.04 of the 183  
Revised Code; 184

(2) Mental health services provided for a gender-related 185  
condition; 186

(3) Any services that are not gender transition services. 187

**Sec. 3313.5319.** (A) Each school that participates in 188  
athletic competitions or events administered by an organization 189

that regulates interscholastic athletic conferences or events 190  
shall designate interscholastic athletic teams based on the sex 191  
of the participants as follows: 192

(1) Separate teams for participants of the female sex 193  
within female sports divisions; 194

(2) Separate teams for participants of the male sex within 195  
male sports divisions; 196

(3) If applicable, co-ed teams for participants of the 197  
female and male sexes within co-ed sports divisions. 198

(B) No school, interscholastic conference, or organization 199  
that regulates interscholastic athletics shall knowingly permit 200  
individuals of the male sex to participate on athletic teams or 201  
in athletic competitions designated only for participants of the 202  
female sex. 203

(C) Nothing in this section shall be construed to restrict 204  
the eligibility of any student to participate on any athletic 205  
teams or in athletic competitions that are designated as male or 206  
co-ed. 207

(D) No agency or political subdivision of the state and no 208  
accrediting organization or athletic association that operates 209  
or has business activities in this state shall process a 210  
complaint, begin an investigation, or take any other adverse 211  
action against a school or school district for maintaining 212  
separate single-sex interscholastic athletic teams or sports. 213

(E) (1) Any participant who is deprived of an athletic 214  
opportunity or suffers a direct or indirect harm as a result of 215  
a violation of this section has a private cause of action for 216  
injunctive relief, damages, and any other relief available 217  
against the school, school district, interscholastic conference, 218

or organization that regulates interscholastic athletics. 219

(2) Any participant who is subject to retaliation or other 220  
adverse action by a school, school district, interscholastic 221  
conference, or organization that regulates interscholastic 222  
athletics as a result of reporting a violation of this section 223  
has a private cause of action for injunctive relief, damages, 224  
and any other relief available against the entity that takes the 225  
retaliatory or other adverse action. 226

(3) Any school or school district that suffers any direct 227  
or indirect harm as a result of a violation of division (D) of 228  
this section has a private cause of action for injunctive 229  
relief, damages, and any other relief available against the 230  
agency, political subdivision, accrediting organization, or 231  
athletic association that violates that division. 232

(F) Any civil action brought as a result of a violation of 233  
this section shall be initiated within two years after the date 234  
on which the violation occurs. Persons or organizations who 235  
prevail on a claim brought pursuant to this section shall be 236  
entitled to monetary damages, including for any psychological, 237  
emotional, or physical harm suffered, reasonable attorney's fees 238  
and costs, and any other appropriate relief. 239

**Sec. 3345.562.** (A) As used in this section: 240

(1) "Private college" means a nonprofit institution that 241  
holds a certificate of authorization issued under section 242  
1713.02 of the Revised Code; 243

(2) "State institution of higher education" has the same 244  
meaning as in section 3345.011 of the Revised Code. 245

(B) Each state institution of higher education or private 246  
college that is a member of the national collegiate athletics 247

association, the national association of intercollegiate 248  
athletics, or the national junior college association shall 249  
designate intercollegiate athletic teams and sports based on the 250  
sex of the participants as follows: 251

(1) Separate teams for participants of the female sex 252  
within female sports divisions; 253

(2) Separate teams for participants of the male sex within 254  
male sports divisions; 255

(3) If applicable, co-ed teams for participants of the 256  
female and male sexes within co-ed sports divisions. 257

(C) No state institution or private college to which 258  
division (B) of this section applies shall knowingly allow 259  
individuals of the male sex to participate on athletic teams or 260  
in athletic competitions designated for only participants of the 261  
female sex. 262

(D) Nothing in this section shall be construed to restrict 263  
the eligibility of any student to participate on any athletic 264  
teams or in athletic competitions that are designated as male or 265  
co-ed. 266

(E) No agency or political subdivision of the state and no 267  
accrediting organization or athletic association that operates 268  
or has business activities in this state shall process a 269  
complaint, begin an investigation, or take any other adverse 270  
action against a state institution of higher education or 271  
private college for maintaining separate single-sex 272  
intercollegiate athletic teams or sports for participants of the 273  
female sex. 274

(F) (1) Any participant who is deprived of an athletic 275  
opportunity or suffers a direct or indirect harm as a result of 276

a violation of this section has a private cause of action for 277  
injunctive relief, damages, and any other relief available 278  
against the state institution or the private college. 279

(2) Any participant who is subject to retaliation or other 280  
adverse action by a state institution, private college, or 281  
athletic association as a result of reporting a violation of 282  
this section has a private cause of action for injunctive 283  
relief, damages, and any other relief available against the 284  
entity that takes the retaliatory or other adverse action. 285

(3) Any state institution or private college that suffers 286  
any direct or indirect harm as a result of a violation of 287  
division (E) of this section has a private cause of action for 288  
injunctive relief, damages, and any other relief available 289  
against the agency, political subdivision, accrediting 290  
organization, or athletic association that violates that 291  
division. 292

(G) Any civil action brought as a result of a violation of 293  
this section shall be initiated within two years after the date 294  
on which the violation occurs. Persons or organizations who 295  
prevail on a claim brought pursuant to this section shall be 296  
entitled to monetary damages, including for any psychological, 297  
emotional, or physical harm suffered, reasonable attorney's fees 298  
and costs, and any other appropriate relief. 299

**Section 2.** The General Assembly hereby finds and declares 300  
all of the following: 301

(A) This state has a compelling government interest in 302  
protecting the health and safety of its citizens, especially 303  
vulnerable children. 304

(B) Only a tiny percentage of the American population 305

experiences distress at identifying with their biological sex. 306  
According to the American Psychiatric Association, prevalence 307  
ranges from 0.005 to 0.014 per cent for natal adult males and 308  
from 0.002 to 0.003 per cent for natal females. 309

(C) Studies consistently demonstrate that the vast 310  
majority of children who are gender nonconforming or experience 311  
distress at identifying with their biological sex come to 312  
identify with their biological sex in adolescence or adulthood, 313  
thereby rendering most medical health care interventions 314  
unnecessary. 315

(D) Scientific studies show that individuals struggling 316  
with distress at identifying with their biological sex often 317  
have already experienced psychopathology, which indicates these 318  
individuals should be encouraged to seek mental health care 319  
services before undertaking any hormonal or surgical 320  
intervention. 321

(E) Suicide rates, psychiatric morbidities, and mortality 322  
rates remain markedly elevated above the background population 323  
after inpatient gender reassignment surgery has been performed. 324

(F) Some health care providers are prescribing puberty- 325  
blocking drugs in order to delay the onset or progression of 326  
normally timed puberty in children who experience distress at 327  
identifying with their biological sex. This is being done 328  
despite the lack of any long-term longitudinal studies 329  
evaluating the risks and benefits of using these drugs for the 330  
treatment of such distress or gender transition. 331

(G) Health care providers are also prescribing cross-sex 332  
hormones for children who experience distress at identifying 333  
with their biological sex, despite the fact that no randomized 334

clinical trials have been conducted on the efficacy or safety of 335  
the use of cross-sex hormones in adults or children for the 336  
purpose of treating such distress or gender transition. 337

(H) The use of cross-sex hormones comes with the following 338  
serious known risks: 339

(1) For biological females, erythrocytosis, severe liver 340  
dysfunction, coronary artery disease, cerebrovascular disease, 341  
hypertension, increased risk of breast and uterine cancers, and 342  
irreversible infertility; 343

(2) For biological males, thromboembolic disease, 344  
cholelithiasis, coronary artery disease, macroprolactinoma, 345  
cerebrovascular disease, hypertriglyceridemia, breast cancer, 346  
and irreversible infertility. 347

(I) Genital and non-genital gender reassignment surgeries 348  
are generally not recommended for children, although evidence 349  
indicates referrals for children to have such surgeries are 350  
becoming more frequent. 351

(J) Genital gender reassignment surgery includes several 352  
irreversible invasive procedures for males and females and 353  
involves the following alterations of biologically normal and 354  
functional body parts: 355

(1) For biological males, surgery may involve genital 356  
reconstruction including penectomy, orchiectomy, vaginoplasty, 357  
clitoroplasty, and vulvoplasty. 358

(2) For biological females, surgery may involve a 359  
hysterectomy or oophorectomy, reconstruction of the urethra, 360  
genital reconstruction including metoidioplasty or phalloplasty, 361  
vaginectomy, scrotoplasty, and implantation of erection or 362  
testicular prostheses. 363

(K) The complications, risks, and long-term care concerns 364  
associated with genital gender reassignment surgery for both 365  
males and females are numerous and complex. 366

(L) Non-genital gender reassignment surgery includes 367  
various invasive procedures for males and females and also 368  
involves the alteration or removal of biologically normal and 369  
functional body parts: 370

(1) For biological males, procedures may include 371  
augmentation mammoplasty, facial feminization surgery, 372  
liposuction, lipofilling, voice surgery, thyroid cartilage 373  
reduction, gluteal augmentation, hair reconstruction, and other 374  
aesthetic procedures. 375

(2) For biological females, procedures may include 376  
subcutaneous mastectomy, voice surgery, liposuction, 377  
lipofilling, pectoral implants, and other aesthetic procedures. 378

(M) It is an accepted principle of economics and public 379  
policy that when a service or product is subsidized or paid for, 380  
demand for that service or product increases. Just between 2015 381  
and 2016, gender reassignment surgeries increased by twenty per 382  
cent. 383

(N) It is of grave concern to the General Assembly that 384  
the medical community is allowing individuals who experience 385  
distress at identifying with their biological sex to be subjects 386  
of irreversible and drastic non-genital gender reassignment 387  
surgery and irreversible, permanently sterilizing genital gender 388  
reassignment surgery, despite the lack of studies showing that 389  
the benefits of such extreme interventions outweigh the risks. 390

(O) The risks of gender transition services far outweigh 391  
any benefit at this stage of clinical study on these services. 392

<b>Section 3.</b> Section 1 of this act takes effect six months	393
after the effective date of this section.	394
<b>Section 4.</b> Sections 3109.054, 3129.01, 3129.02, 3129.03,	395
3129.04, 3129.05, and 3129.06 of the Revised Code, as enacted by	396
this act, shall be known as the Ohio Saving Adolescents from	397
Experimentation (SAFE) Act.	398
<b>Section 5.</b> Sections 3313.5319 and 3345.562 of the Revised	399
Code, as enacted by this act, shall be known as the Save Women's	400
Sports Act.	401