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

Section 1. That sections 3129.01, 3129.02, 3129.03, 3129.04, 3129.05, 3129.06, 3129.07, and 3129.08 of the Revised Code be enacted to read as follows:

Sec. 3129.01. The general assembly hereby finds and declares all of the following:

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

(B) Only a tiny percentage of the American population experiences distress at identifying with their biological sex.
According to the American psychiatric association, prevalence ranges from 0.005 to 0.014 per cent for natal adult males and from 0.002 to 0.003 per cent for natal females;

(C) Studies consistently demonstrate that the vast majority of children who are gender non-conforming or experience distress at identifying with their biological sex come to identify with their biological sex in adolescence or adulthood, thereby rendering most medical health care interventions unnecessary;

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

(E) Suicide rates, psychiatric morbidities, and mortality rates remain markedly elevated above the background population after inpatient gender reassignment procedures have been performed;

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

(G) Health care providers are also prescribing cross-sex hormones for children who experience distress at identifying with their biological sex, despite the fact that no randomized
clinical trials have been conducted on the efficacy or safety of the use of cross-sex hormones in adults or children for the purpose of treating such distress or gender transition;

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

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

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

(I) Genital and non-genital reassignment surgeries are generally not recommended for children, although evidence indicates referrals for children to have such surgeries are becoming more frequent;

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

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

(2) For biological females, surgery may involve a hysterectomy or oophorectomy, reconstruction of the urethra, genital reconstruction including metoidioplasty or phalloplasty, vaginectomy, scrotoplasty, and implantation of erection or testicular prostheses.
(K) The complications, risks, and long-term care concerns associated with genital gender reassignment surgery for both males and females are numerous and complex;

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

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

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

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

(N) It is of grave concern to the general assembly that the medical community is allowing individuals who experience distress at identifying with their biological sex to be subjects of irreversible and drastic non-genital gender reassignment surgery and irreversible, permanently sterilizing genital gender reassignment surgery, despite the lack of studies showing that the benefits of such extreme interventions outweigh the risks;

(O) The risks of gender transition procedures far outweigh any benefit at this stage of clinical study on these procedures.
Sec. 3129.02. As used in this chapter:

"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.

"Cross-sex hormones" means testosterone or other androgens given to biological females at doses that are profoundly larger or more potent than would normally occur naturally in healthy biological females, or estrogen given to biological males at doses that are profoundly larger or more potent than would normally occur naturally in healthy biological males.

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

"Gender reassignment surgery" means any medical or surgical service 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, without limitation, genital or non-genital reassignment surgery performed for the purpose of assisting an individual with a gender transition.

"Gender transition" means the process in which a person goes from identifying with and living as a gender that corresponds to his or her biological sex to identifying with and living as a gender different from his or her biological sex, including social, legal, or physical changes.
"Gender transition procedures" means any medical or surgical service, including physician services, inpatient and outpatient hospital services, or prescription drugs related to gender transition, that seeks to alter or remove physical or anatomical characteristics or features that are typical for the individual's biological sex, or to instill or create physiological or anatomical characteristics that resemble a sex different from the individual's birth sex including medical services that provide puberty blocking drugs, cross-sex hormones, or other mechanisms to promote the development of feminizing or masculinizing features in the opposite sex, or genital or non-genital gender reassignment surgery performed for the purpose of assisting an individual with a gender transition.

"Genital gender reassignment surgery" means surgical procedures such as penectomy, orchiectomy, vaginoplasty, clitoroplasty, or vulvoplasty for biologically male patients or hysterectomy, ovariectomy, reconstruction of the fixed part of the urethra with or without a metoidiplasty or a phalloplasty, vaginectomy, scrotoplasty, or implantation of erection and testicular prostheses for biologically female patients when performed for the purpose of assisting an individual with a gender transition.

"Medical health care professional" means any of the following:

A nurse licensed under Chapter 4723. of the Revised Code;

A physician assistant licensed under Chapter 4730. of the Revised Code;

A psychiatrist or psychologist licensed under Chapter 4732. of the Revised Code;
A pharmacist licensed under Chapter 4729. of the Revised Code;

Any other professional licensed to provide mental health care services.

"Non-genital gender reassignment surgery" means surgical procedures such as augmentation mammoplasty, facial feminization surgery, liposuction, lipofilling, voice surgery, thyroid cartilage reduction, gluteal augmentation, hair reconstruction, or other aesthetic procedures for biologically male patients or subcutaneous mastectomy, voice surgery, liposuction, lipofilling, pectoral implants, or other aesthetic procedures for biologically female patients when performed for the purpose of assisting an individual with a gender transition.

"Physician" means a person who is authorized under Chapter 4731. of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery.

"Puberty-blocking drugs" means Gonadotropin-releasing hormone analogs or other synthetic drugs used in biological male patients to stop luteinizing hormone secretion and therefore, testosterone secretion, or synthetic drugs used in biological females that stop the production of estrogens and progesterone, when used to delay or suppress pubertal development in children for the purpose of assisting an individual with a gender transition.

"Public funds" means any state, county, or local government moneys, in addition to any department, agency, or instrumentality authorized or appropriated pursuant to state law or derived from any fund in which such moneys are deposited.

Sec. 3129.03. (A) Gender transition procedures, as defined
in section 3129.02 of the Revised Code, do not include any of the following:

(1) Services provided to individuals born with a medically verifiable disorder of sex development, including a person with external biological sex characteristics that are irresolvably ambiguous, such as an individual born with forty-six XX chromosomes with virilization, forty-six XY chromosomes with undervirilization, or having both ovarian and testicular tissue;

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

(3) Notwithstanding section 3129.06 of the Revised Code, the treatment of any infection, injury, disease, or disorder that has been caused or exacerbated by the performance of gender transition procedures, whether or not the procedures were performed in accordance with state and federal law.

(B) Gender reassignment surgery, as defined in section 3129.02 of the Revised Code, does not include any procedure undertaken because an individual suffers from a physical disorder, physical injury, or physical illness that is certified by a physician and that would place the individual in imminent danger of death or impairment of major bodily function unless surgery is performed.

Sec. 3129.04. No physician or other medical health care professional shall provide gender transition procedures to any
person under eighteen years of age.

No physician, mental health provider, or other medical health care professional shall refer any person under eighteen years of age to any medical doctor for gender transition procedures.

Sec. 3129.05. No nurse, counselor, teacher, principal, or other official or staff at a public or private school shall do either of the following:

(A) Encourage or coerce a minor to withhold from the minor's parent or legal guardian the fact that the minor's perception of his or her gender is inconsistent with his or her sex;

(B) Withhold from a minor's parent or legal guardian information related to the minor's perception that his or her gender is inconsistent with his or her sex.

Sec. 3129.06. (A) No public funds shall be directly or indirectly used, granted, paid, or distributed to any entity, organization, or individual that provides gender transition procedures to any minor.

(B) Health care services furnished by or in a health care facility owned or operated by the state, a county or local government entity, or by a physician or other individual employed by the state, or a county or local government entity, shall not include gender transition procedures for minors.

(C) Any amount paid by an individual or entity during a taxable year for the provision of gender transition procedures to minors or as premiums for health care coverage that includes coverage for gender transition procedures on minors is not tax deductible under division (A)(10)(a) of section 5747.01 of the...
(D) Medical assistance provided under the Medicaid program shall not include gender transition procedures for minors.

Sec. 3129.07. The benefit package for eligible children under any health insurance policy or other plan providing health care coverage in this state shall not include reimbursement for gender transition procedures for any person under eighteen years of age.

Sec. 3129.08. (A) Any provision of gender transition procedures to a person under eighteen years of age shall be considered unprofessional conduct and shall be subject to discipline by the licensing entity with jurisdiction over the physician, mental health provider, or other medical health care professional.

(B) A person may assert an actual or threatened violation of this chapter as a claim or defense in a judicial or administrative proceeding and obtain compensatory damages, injunctive relief, declaratory relief, or any other appropriate relief.

(C) A person shall be required to bring a claim for a violation of this chapter not later than two years after the day the cause of action accrues. A minor may bring an action before reaching eighteen years of age through a parent or guardian, and may bring an action in the minor's own name upon reaching eighteen years of age at any time from that point until twenty years after.

(D) Notwithstanding any other provision of the Revised Code, an action under this chapter may be commenced, and relief may be granted, in a judicial proceeding without regard to
whether the person commencing the action has sought or exhausted available administrative remedies.

(E) In any action or proceeding to enforce a provision of this chapter, a prevailing party who establishes a violation of this chapter shall be entitled to recover reasonable attorneys' fees.

(F) The attorney general may bring an action to enforce compliance with this chapter. Nothing in this chapter shall be construed to deny, impair, or otherwise affect any right or authority of the attorney general, the state, or any agency, officer, or employee of the state, acting under any provision of the Revised Code, to institute or intervene in any proceeding.

Section 2. This act shall be known as the Save Adolescents from Experimentation (SAFE) Act.

Section 3. Consistent with Section 1.50 of the Revised Code, items of law contained in this act, and their applications, are severable. If any item of law contained in this act, or if any application of any item of law contained in this act, is held invalid, the invalidity does not affect other items of law contained in this act and their applications that can be given effect without the invalid item of law or application.

Section 4. Sections 1, 2, and 3 of this act take effect six months after the effective date of this section.