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Sub. H. B. No. 68

Representative Click

Cosponsors: Representatives Barhorst, Bird, Creech, Claggett, Cutrona, Dean, Demetriou, Edwards, Ferguson, Fowler Arthur, Gross, Hall, Holmes, Hoops, John, Johnson, Jordan, Kick, King, Klopfenstein, Lampton, Lear, Manchester, McClain, Merrin, Miller, K., Miller, M., Plummer, Patton, Powell, Robb Blasdel, Stein, Stewart, Stoltzfus, Swearingen, Wiggam, Williams, Willis, Young, T., Abrams, Carruthers, Dobos, Jones, Lorenz, Mathews, Richardson, Schmidt

Senators Antani, Cirino, Gavarone, McColley, O'Brien, Reynolds, Roegner, Rulli, Schaffer, Wilkin

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, no court shall deny or limit 15
a parent's parental rights and responsibilities or parenting 16
time based on the parent's decision to do any of the following: 17

(A) Refer to and raise the child in a manner consistent 18
with the child's biological sex; 19

(B) Decline to consent to the child receiving gender 20
transition services as defined in section 3129.01 of the Revised 21
Code; 22

(C) Decline to consent to the child receiving counseling 23
or other mental health services for the purpose of affirming the 24
child's perception of the child's gender or sex, if the child's 25
perception is inconsistent with the child's biological sex. 26

Sec. 3129.01. As used in this chapter: 27

(A) "Biological sex," "birth sex," and "sex" mean the 28
biological indication of male and female, including sex 29
chromosomes, naturally occurring sex hormones, gonads, and 30
nonambiguous internal and external genitalia present at birth, 31
without regard to an individual's psychological, chosen, or 32
subjective experience of gender. 33

(B) "Cross-sex hormone" means testosterone, estrogen, or 34
progesterone given to a minor individual in an amount greater 35
than would normally be produced endogenously in a healthy 36
individual of the minor individual's age and sex. 37

(C) "Gender reassignment surgery" means any surgery 38
performed for the purpose of assisting an individual with gender 39
transition that seeks to surgically alter or remove healthy 40
physical or anatomical characteristics or features that are 41
typical for the individual's biological sex, in order to instill 42

or create physiological or anatomical characteristics that 43
resemble a sex different from the individual's birth sex, 44
including genital or non-genital gender reassignment surgery. 45

(D) "Gender-related condition" means any condition where 46
an individual feels an incongruence between the individual's 47
gender identity and biological sex. "Gender-related condition" 48
includes gender dysphoria. 49

(E) "Gender transition" means the process in which an 50
individual goes from identifying with and living as a gender 51
that corresponds to his or her biological sex to identifying 52
with and living as a gender different from his or her biological 53
sex, including social, legal, or physical changes. 54

(F) "Gender transition services" means any medical or 55
surgical service (including physician services, inpatient and 56
outpatient hospital services, or prescription drugs or hormones) 57
provided for the purpose of assisting an individual with gender 58
transition that seeks to alter or remove physical or anatomical 59
characteristics or features that are typical for the 60
individual's biological sex, or to instill or create 61
physiological or anatomical characteristics that resemble a sex 62
different from the individual's birth sex, including medical 63
services that provide puberty blocking drugs, cross-sex 64
hormones, or other mechanisms to promote the development of 65
feminizing or masculinizing features in the opposite sex, or 66
genital or non-genital gender reassignment surgery. 67

(G) "Genital gender reassignment surgery" means surgery 68
performed for the purpose of assisting an individual with gender 69
transition and includes both of the following: 70

(1) Surgeries that sterilize, such as castration, 71

vasectomy, hysterectomy, oophorectomy, orchiectomy, and 72

penectomy; 73

(2) Surgeries that artificially construct tissue with the 74

appearance of genitalia that differs from the individual's 75

biological sex, such as metoidioplasty, phalloplasty, and 76

vaginoplasty. 77

(H) "Mental health professional" means all of the 78

following: 79

(1) Either of the following advanced practice registered 80

nurses who holds a current, valid license issued under Chapter 81

4723. of the Revised Code that authorizes the practice of 82

nursing as an advanced practice registered nurse: 83

(a) A clinical nurse specialist who is certified as a 84

psychiatric-mental health CNS by the American nurses 85

credentialing center; 86

(b) A certified nurse practitioner who is certified as a 87

psychiatric-mental health NP by the American nurses 88

credentialing center. 89

(2) A physician specializing in psychiatry; 90

(3) A psychologist, school psychologist, or independent 91

school psychologist licensed under Chapter 4732. of the Revised 92

Code or under rules adopted in accordance with sections 3301.07 93

and 3319.22 of the Revised Code; 94

(4) An independent social worker, social worker, licensed 95

professional clinical counselor, licensed professional 96

counselor, independent marriage and family therapist, or 97

marriage and family therapist licensed under Chapter 4757. of 98

the Revised Code. 99

(I) "Minor individual" means an individual under eighteen 100
years of age. 101

(J) "Non-genital gender reassignment surgery" means 102
surgery performed for the purpose of assisting an individual 103
with gender transition such as augmentation mammoplasty, facial 104
feminization surgery, liposuction, lipofilling, voice surgery, 105
thyroid cartilage reduction, gluteal augmentation, pectoral 106
implants, or other aesthetic procedures. 107

(K) "Physician" means an individual authorized under 108
Chapter 4731. of the Revised Code to practice medicine and 109
surgery or osteopathic medicine and surgery. 110

(L) "Puberty-blocking drugs" means Gonadotropin-releasing 111
hormone analogs or other synthetic drugs used to stop 112
luteinizing hormone and follicle stimulating hormone secretion, 113
synthetic antiandrogen drugs used to block the androgen 114
receptor, or any drug to delay or suppress normal puberty. 115

Sec. 3129.02. (A) A physician shall not knowingly do any 116
of the following: 117

(1) Perform gender reassignment surgery on a minor 118
individual; 119

(2) Prescribe a cross-sex hormone or puberty-blocking drug 120
for a minor individual for the purpose of assisting the minor 121
individual with gender transition; 122

(3) Engage in conduct that aids or abets in the practices 123
described in division (A) (1) or (2) of this section, provided 124
that this section may not be construed to impose liability on 125
any speech protected by federal or state law. 126

(B) Notwithstanding division (A) (2) of this section, a 127

physician may continue to prescribe a cross-sex hormone or 128
puberty-blocking drug to a minor individual if the minor 129
individual has been a continuous Ohio resident since the 130
effective date of this section and the physician has done both 131
of the following: 132

(1) Initiated a course of treatment for the minor 133
individual prior to the effective date of this section that 134
includes the prescription of a cross-sex hormone or puberty- 135
blocking drug prohibited by division (A) (2) of this section; 136

(2) Determined and documented in the minor individual's 137
medical record that terminating the minor individual's 138
prescription for the cross-sex hormone or puberty-blocking drug 139
would cause harm to the minor individual. 140

Sec. 3129.03. (A) Notwithstanding section 5122.04 of the 141
Revised Code, no mental health professional shall diagnose or 142
treat a minor individual who presents for the diagnosis or 143
treatment of a gender-related condition without first obtaining 144
the consent of one of the following: 145

(1) At least one parent of the minor individual; 146

(2) At least one legal custodian of the minor individual; 147

(3) The minor individual's guardian. 148

(B) No mental health professional shall diagnose or treat 149
a minor individual who presents for the diagnosis or treatment 150
of a gender-related condition without screening the minor 151
individual for both of the following during the course of 152
diagnosis and treatment: 153

(1) Other comorbidities that may be influencing the minor 154
individual's gender-related condition, including depression, 155

anxiety, attention deficit hyperactivity disorder, autism 156
spectrum disorder, and other mental health conditions; 157

(2) Physical, sexual, mental, and emotional abuse and 158
other traumas. 159

Sec. 3129.04. This chapter does not prohibit a physician 160
from treating, including by performing surgery on or prescribing 161
drugs or hormones for, a minor individual who meets any of the 162
following: 163

(A) Was born with a medically verifiable disorder of sex 164
development, including an individual with external biological 165
sex characteristics that are irresolvably ambiguous, such as an 166
individual born with forty-six XX chromosomes with virilization, 167
forty-six XY chromosomes with undervirilization, or having both 168
ovarian and testicular tissue; 169

(B) Received a diagnosis of a disorder of sexual 170
development, in which a physician has determined through genetic 171
or biochemical testing that the individual does not have normal 172
sex chromosome structure, sex steroid hormone production, or sex 173
steroid hormone action for a biological male or biological 174
female; 175

(C) Needs treatment for any infection, injury, disease, or 176
disorder that has been caused or exacerbated by the performance 177
of gender transition services, whether or not the services were 178
performed in accordance with state or federal law. 179

Sec. 3129.05. (A) Any violation of section 3129.02, 180
section 3129.03, or section 3129.06 of the Revised Code shall be 181
considered unprofessional conduct and subject to discipline by 182
the applicable professional licensing board. 183

(B) Nothing in this chapter shall be construed to preempt 184

any other private cause of action arising under the common law 185
of this state. 186

(C) The attorney general may bring an action to enforce 187
compliance with section 3129.02 or 3129.03 of the Revised Code. 188
Nothing in this chapter shall be construed to deny, impair, or 189
otherwise affect any right or authority of the attorney general, 190
the state, or any agency, officer, or employee of the state, 191
acting under any provision of the Revised Code, to institute or 192
intervene in any proceeding. 193

Sec. 3129.06. (A) Medical assistance provided under the 194
medicaid program shall not include coverage for gender 195
transition services for minor individuals. 196

(B) This section does not apply to any of the following: 197

(1) The circumstances described in section 3129.04 of the 198
Revised Code; 199

(2) Mental health services provided for a gender-related 200
condition; 201

(3) Any services that are not gender transition services. 202

Sec. 3313.5319. (A) Each school that participates in 203
athletic competitions or events administered by an organization 204
that regulates interscholastic athletic conferences or events 205
shall designate interscholastic athletic teams based on the sex 206
of the participants as follows: 207

(1) Separate teams for participants of the female sex 208
within female sports divisions; 209

(2) Separate teams for participants of the male sex within 210
male sports divisions; 211

(3) If applicable, co-ed teams for participants of the 212
female and male sexes within co-ed sports divisions. 213

(B) No school, interscholastic conference, or organization 214
that regulates interscholastic athletics shall knowingly permit 215
individuals of the male sex to participate on athletic teams or 216
in athletic competitions designated only for participants of the 217
female sex. 218

(C) Nothing in this section shall be construed to restrict 219
the eligibility of any student to participate on any athletic 220
teams or in athletic competitions that are designated as male or 221
co-ed. 222

(D) No agency or political subdivision of the state and no 223
accrediting organization or athletic association that operates 224
or has business activities in this state shall process a 225
complaint, begin an investigation, or take any other adverse 226
action against a school or school district for maintaining 227
separate single-sex interscholastic athletic teams or sports. 228

(E) (1) Any participant who is deprived of an athletic 229
opportunity or suffers a direct or indirect harm as a result of 230
a violation of this section has a private cause of action for 231
injunctive relief, damages, and any other relief available 232
against the school, school district, interscholastic conference, 233
or organization that regulates interscholastic athletics. 234

(2) Any participant who is subject to retaliation or other 235
adverse action by a school, school district, interscholastic 236
conference, or organization that regulates interscholastic 237
athletics as a result of reporting a violation of this section 238
has a private cause of action for injunctive relief, damages, 239
and any other relief available against the entity that takes the 240

retaliatory or other adverse action. 241

(3) Any school or school district that suffers any direct 242
or indirect harm as a result of a violation of division (D) of 243
this section has a private cause of action for injunctive 244
relief, damages, and any other relief available against the 245
agency, political subdivision, accrediting organization, or 246
athletic association that violates that division. 247

(F) Any civil action brought as a result of a violation of 248
this section shall be initiated within two years after the date 249
on which the violation occurs. Persons or organizations who 250
prevail on a claim brought pursuant to this section shall be 251
entitled to monetary damages, including for any psychological, 252
emotional, or physical harm suffered, reasonable attorney's fees 253
and costs, and any other appropriate relief. 254

Sec. 3345.562. (A) As used in this section: 255

(1) "Private college" means a nonprofit institution that 256
holds a certificate of authorization issued under section 257
1713.02 of the Revised Code; 258

(2) "State institution of higher education" has the same 259
meaning as in section 3345.011 of the Revised Code. 260

(B) Each state institution of higher education or private 261
college that is a member of the national collegiate athletics 262
association, the national association of intercollegiate 263
athletics, or the national junior college association shall 264
designate intercollegiate athletic teams and sports based on the 265
sex of the participants as follows: 266

(1) Separate teams for participants of the female sex 267
within female sports divisions; 268

<u>(2) Separate teams for participants of the male sex within</u>	269
<u>male sports divisions;</u>	270
<u>(3) If applicable, co-ed teams for participants of the</u>	271
<u>female and male sexes within co-ed sports divisions.</u>	272
<u>(C) No state institution or private college to which</u>	273
<u>division (B) of this section applies shall knowingly allow</u>	274
<u>individuals of the male sex to participate on athletic teams or</u>	275
<u>in athletic competitions designated for only participants of the</u>	276
<u>female sex.</u>	277
<u>(D) Nothing in this section shall be construed to restrict</u>	278
<u>the eligibility of any student to participate on any athletic</u>	279
<u>teams or in athletic competitions that are designated as male or</u>	280
<u>co-ed.</u>	281
<u>(E) No agency or political subdivision of the state and no</u>	282
<u>accrediting organization or athletic association that operates</u>	283
<u>or has business activities in this state shall process a</u>	284
<u>complaint, begin an investigation, or take any other adverse</u>	285
<u>action against a state institution of higher education or</u>	286
<u>private college for maintaining separate single-sex</u>	287
<u>intercollegiate athletic teams or sports for participants of the</u>	288
<u>female sex.</u>	289
<u>(F) (1) Any participant who is deprived of an athletic</u>	290
<u>opportunity or suffers a direct or indirect harm as a result of</u>	291
<u>a violation of this section has a private cause of action for</u>	292
<u>injunctive relief, damages, and any other relief available</u>	293
<u>against the state institution or the private college.</u>	294
<u>(2) Any participant who is subject to retaliation or other</u>	295
<u>adverse action by a state institution, private college, or</u>	296
<u>athletic association as a result of reporting a violation of</u>	297

this section has a private cause of action for injunctive relief, damages, and any other relief available against the entity that takes the retaliatory or other adverse action. 298
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(3) Any state institution or private college that suffers any direct or indirect harm as a result of a violation of division (E) of this section has a private cause of action for injunctive relief, damages, and any other relief available against the agency, political subdivision, accrediting organization, or athletic association that violates that division. 301
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(G) Any civil action brought as a result of a violation of this section shall be initiated within two years after the date on which the violation occurs. Persons or organizations who prevail on a claim brought pursuant to this section shall be entitled to monetary damages, including for any psychological, emotional, or physical harm suffered, reasonable attorney's fees and costs, and any other appropriate relief. 308
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Section 2. The General Assembly hereby finds and declares all of the following: 315
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(A) This state has a compelling government interest in protecting the health and safety of its citizens, especially vulnerable children. 317
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(B) Only a tiny percentage of the American population experiences distress at identifying with their biological sex. 320
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(C) Studies consistently demonstrate that the vast majority of children who are gender nonconforming 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 322
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unnecessary. 327

(D) Scientific studies show that individuals struggling 328
with distress at identifying with their biological sex often 329
have already experienced psychopathology, which indicates these 330
individuals should be encouraged to seek mental health care 331
services before undertaking any hormonal or surgical 332
intervention. 333

(E) Suicide rates, psychiatric morbidities, and mortality 334
rates remain markedly elevated above the background population 335
after inpatient gender reassignment surgery has been performed. 336

(F) Some health care providers are prescribing puberty- 337
blocking drugs in order to delay the onset or progression of 338
normally timed puberty in children who experience distress at 339
identifying with their biological sex. This is being done 340
despite the lack of any long-term longitudinal studies 341
evaluating the risks and benefits of using these drugs for the 342
treatment of such distress or gender transition. 343

(G) Health care providers are also prescribing cross-sex 344
hormones for children who experience distress at identifying 345
with their biological sex, despite the fact that no randomized 346
clinical trials have been conducted on the efficacy or safety of 347
the use of cross-sex hormones in adults or children for the 348
purpose of treating such distress or gender transition. 349

(H) The use of cross-sex hormones comes with the following 350
serious known risks: 351

(1) For biological females, erythrocytosis, severe liver 352
dysfunction, coronary artery disease, cerebrovascular disease, 353
hypertension, increased risk of breast and uterine cancers, and 354
irreversible infertility; 355

(2) For biological males, thromboembolic disease, 356
cholelithiasis, coronary artery disease, macroprolactinoma, 357
cerebrovascular disease, hypertriglyceridemia, breast cancer, 358
and irreversible infertility. 359

(I) Genital and non-genital gender reassignment surgeries 360
are generally not recommended for children, although evidence 361
indicates referrals for children to have such surgeries are 362
becoming more frequent. 363

(J) Genital gender reassignment surgery includes several 364
irreversible invasive procedures for males and females and 365
involves the following alterations of biologically normal and 366
functional body parts: 367

(1) For biological males, surgery may involve genital 368
reconstruction including penectomy, orchiectomy, vaginoplasty, 369
clitoroplasty, and vulvoplasty. 370

(2) For biological females, surgery may involve a 371
hysterectomy or oophorectomy, reconstruction of the urethra, 372
genital reconstruction including metoidioplasty or phalloplasty, 373
vaginectomy, scrotoplasty, and implantation of erection or 374
testicular prostheses. 375

(K) The complications, risks, and long-term care concerns 376
associated with genital gender reassignment surgery for both 377
males and females are numerous and complex. 378

(L) Non-genital gender reassignment surgery includes 379
various invasive procedures for males and females and also 380
involves the alteration or removal of biologically normal and 381
functional body parts: 382

(1) For biological males, procedures may include 383
augmentation mammoplasty, facial feminization surgery, 384

liposuction, lipofilling, voice surgery, thyroid cartilage 385
reduction, gluteal augmentation, hair reconstruction, and other 386
aesthetic procedures. 387

(2) For biological females, procedures may include 388
subcutaneous mastectomy, voice surgery, liposuction, 389
lipofilling, pectoral implants, and other aesthetic procedures. 390

(M) It is an accepted principle of economics and public 391
policy that when a service or product is subsidized or paid for, 392
demand for that service or product increases. Just between 2015 393
and 2016, gender reassignment surgeries increased by twenty per 394
cent. 395

(N) It is of grave concern to the General Assembly that 396
the medical community is allowing individuals who experience 397
distress at identifying with their biological sex to be subjects 398
of irreversible and drastic non-genital gender reassignment 399
surgery and irreversible, permanently sterilizing genital gender 400
reassignment surgery, despite the lack of studies showing that 401
the benefits of such extreme interventions outweigh the risks. 402

(O) The risks of gender transition services far outweigh 403
any benefit at this stage of clinical study on these services. 404

Section 3. Sections 3109.054, 3129.01, 3129.02, 3129.03, 405
3129.04, 3129.05, and 3129.06 of the Revised Code, as enacted by 406
this act, shall be known as the Ohio Saving Adolescents from 407
Experimentation (SAFE) Act. 408

Section 4. Sections 3313.5319 and 3345.562 of the Revised 409
Code, as enacted by this act, shall be known as the Save Women's 410
Sports Act. 411