

Senate Engrossed

~~gender transition; prohibitions; public monies~~
(now: irreversible gender reassignment surgery; minors)

State of Arizona
Senate
Fifty-fifth Legislature
Second Regular Session
2022

CHAPTER 104
SENATE BILL 1138

AN ACT

AMENDING TITLE 32, CHAPTER 32, ARTICLE 1, ARIZONA REVISED STATUTES, BY
ADDING SECTION 32-3230; RELATING TO HEALTH CARE.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Title 32, chapter 32, article 1, Arizona Revised
3 Statutes, is amended by adding section 32-3230, to read:

4 32-3230. Prohibition of irreversible gender reassignment
5 surgery for minors; definitions

6 A. A PHYSICIAN MAY NOT PROVIDE IRREVERSIBLE GENDER REASSIGNMENT
7 SURGERY TO ANY INDIVIDUAL WHO IS UNDER EIGHTEEN YEARS OF AGE.

8 B. A PHYSICIAN MAY PROVIDE ANY OF THE FOLLOWING TO AN INDIVIDUAL
9 WHO IS UNDER EIGHTEEN YEARS OF AGE:

10 1. SERVICES TO AN INDIVIDUAL BORN WITH A MEDICALLY VERIFIABLE
11 DISORDER OF SEX DEVELOPMENT, INCLUDING AN INDIVIDUAL WITH EXTERNAL
12 BIOLOGICAL SEX CHARACTERISTICS THAT ARE IRRESOLVABLY AMBIGUOUS, SUCH AS
13 BEING BORN WITH FORTY-SIX XX CHROMOSOMES WITH VIRILIZATION OR FORTY-SIX
14 XY CHROMOSOMES WITH UNDERVIRILIZATION OR HAVING BOTH OVARIAN AND
15 TESTICULAR TISSUE.

16 2. SERVICES PROVIDED WHEN A PHYSICIAN HAS OTHERWISE DIAGNOSED A
17 DISORDER OF SEXUAL DEVELOPMENT AND HAS DETERMINED THROUGH GENETIC OR
18 BIOCHEMICAL TESTING THAT THE INDIVIDUAL DOES NOT HAVE NORMAL SEX
19 CHROMOSOME STRUCTURE, SEX STEROID HORMONE PRODUCTION OR SEX STEROID
20 HORMONE ACTION.

21 3. THE TREATMENT OF ANY INFECTION, INJURY, DISEASE OR DISORDER THAT
22 HAS BEEN CAUSED BY OR EXACERBATED BY THE PERFORMANCE OF GENDER TRANSITION
23 PROCEDURES, WHETHER OR NOT THE GENDER TRANSITION PROCEDURE WAS PERFORMED
24 IN ACCORDANCE WITH STATE AND FEDERAL LAW.

25 4. ANY PROCEDURE UNDERTAKEN BECAUSE THE INDIVIDUAL SUFFERS FROM A
26 PHYSICAL DISORDER, PHYSICAL INJURY OR PHYSICAL ILLNESS THAT WOULD, AS
27 CERTIFIED BY A PHYSICIAN, PLACE THE INDIVIDUAL IN IMMINENT DANGER OF DEATH
28 OR IMPAIRMENT OF MAJOR BODILY FUNCTION UNLESS SURGERY IS PERFORMED.

29 C. FOR THE PURPOSES OF THIS SECTION:

30 1. "BIOLOGICAL SEX" MEANS THE BIOLOGICAL INDICATION OF MALE AND
31 FEMALE IN THE CONTEXT OF REPRODUCTIVE POTENTIAL OR CAPACITY, SUCH AS SEX
32 CHROMOSOMES, NATURALLY OCCURRING SEX HORMONES, GONADS AND NONAMBIGUOUS
33 INTERNAL AND EXTERNAL GENITALIA PRESENT AT BIRTH, WITHOUT REGARD TO AN
34 INDIVIDUAL'S PSYCHOLOGICAL, CHOSEN OR SUBJECTIVE EXPERIENCE OF GENDER.

35 2. "GENDER" MEANS THE PSYCHOLOGICAL, BEHAVIORAL, SOCIAL AND
36 CULTURAL ASPECTS OF BEING MALE OR FEMALE.

37 3. "GENDER TRANSITION" MEANS THE PROCESS IN WHICH A PERSON GOES
38 FROM IDENTIFYING WITH AND LIVING AS A GENDER THAT CORRESPONDS TO THE
39 PERSON'S BIOLOGICAL SEX TO IDENTIFYING WITH AND LIVING AS A GENDER
40 DIFFERENT FROM THE PERSON'S BIOLOGICAL SEX AND MAY INVOLVE SOCIAL, LEGAL
41 OR PHYSICAL CHANGES.

42 4. "IRREVERSIBLE GENDER REASSIGNMENT SURGERY" MEANS A MEDICAL
43 PROCEDURE PERFORMED FOR THE PURPOSE OF ASSISTING AN INDIVIDUAL WITH A
44 GENDER TRANSITION, INCLUDING ANY OF THE FOLLOWING:

1 (a) PENECTOMY, ORCHIECTOMY, VAGINOPLASTY, CLITOROPLASTY OR
2 VULVOPLASTY FOR BIOLOGICALLY MALE PATIENTS OR HYSTERECTOMY OR OVARIECTOMY
3 FOR BIOLOGICALLY FEMALE PATIENTS.

4 (b) METOIDIOPLASTY, PHALLOPLASTY, VAGINECTOMY, SCROTOPLASTY OR
5 IMPLANTATION OF ERECTION OR TESTICULAR PROSTHESES FOR BIOLOGICALLY FEMALE
6 PATIENTS.

7 (c) AUGMENTATION MAMMOPLASTY FOR BIOLOGICALLY MALE PATIENTS AND
8 SUBCUTANEOUS MASTECTOMY FOR FEMALE PATIENTS.

9 5. "PHYSICIAN" MEANS A PERSON WHO IS LICENSED PURSUANT TO CHAPTER
10 13 OR 17 OF THIS TITLE.

11 Sec. 2. Effective date

12 This act is effective from and after March 31, 2023.

APPROVED BY THE GOVERNOR MARCH 30, 2022.

FILED IN THE OFFICE OF THE SECRETARY OF STATE MARCH 30, 2022.