

COMMITTEE ON HEALTH AND HUMAN SERVICES

SENATE AMENDMENTS TO S.B. 1138

(Reference to printed bill)

1 Strike everything after the enacting clause and insert:

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 WHO
9 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 XY
14 CHROMOSOMES WITH UNDERVIRILIZATION OR HAVING BOTH OVARIAN AND TESTICULAR
15 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 CHROMOSOME
19 STRUCTURE, SEX STEROID HORMONE PRODUCTION OR SEX STEROID HORMONE ACTION.

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

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

28 C. FOR THE PURPOSES OF THIS SECTION:

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

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

8 3. "GENDER TRANSITION" MEANS THE PROCESS IN WHICH A PERSON GOES FROM
9 IDENTIFYING WITH AND LIVING AS A GENDER THAT CORRESPONDS TO THE PERSON'S
10 BIOLOGICAL SEX TO IDENTIFYING WITH AND LIVING AS A GENDER DIFFERENT FROM
11 THE PERSON'S BIOLOGICAL SEX AND MAY INVOLVE SOCIAL, LEGAL OR PHYSICAL
12 CHANGES.

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

16 (a) PENECTOMY, ORCHIECTOMY, VAGINOPLASTY, CLITOROPLASTY OR
17 VULVOPLASTY FOR BIOLOGICALLY MALE PATIENTS OR HYSTERECTOMY OR OVARECTOMY
18 FOR BIOLOGICALLY FEMALE PATIENTS.

19 (b) METOIDIOPLASTY, PHALLOPLASTY, VAGINECTOMY, SCROTOPLASTY OR
20 IMPLANTATION OF ERECTION OR TESTICULAR PROSTHESES FOR BIOLOGICALLY FEMALE
21 PATIENTS.

22 (c) AUGMENTATION MAMMOPLASTY FOR BIOLOGICALLY MALE PATIENTS AND
23 SUBCUTANEOUS MASTECTOMY FOR FEMALE PATIENTS.

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

26 Sec. 2. Effective date

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

28 Amend title to conform

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