



SENATE BILL 631: Minor Gender Trans. Proc./Public Providers.

2023-2024 General Assembly

Committee:	House Health. If favorable, re-refer to Rules, Calendar, and Operations of the House	Date:	June 20, 2023
Introduced by:	Sens. Corbin, Krawiec, Sawyer	Prepared by:	Jason Moran-Bates Committee Staff
Analysis of:	PCS to Second Edition S631-CSBC-25		

OVERVIEW: *The PCS to Senate Bill 631 would prohibit public healthcare facilities from performing surgical gender transition procedures or providing puberty-blocking drugs and cross-sex hormones to minors. It would also prohibit state funds being used for those purposes.*

BILL ANALYSIS: The PCS to Senate Bill 631 would prohibit public healthcare facilities from performing surgical gender transition procedures on minors and prohibit public healthcare facilities or individuals employed by or under contract with public healthcare facilities from providing puberty-blocking drugs or cross-sex hormones to minors.

- "Public healthcare facility" would be defined to include (i) the University of North Carolina Health Care System, (ii) any healthcare institution affiliated with the University of North Carolina, one of its constituent institutions, or the University of North Carolina Health Care system, (iii) any facility operated by the Division of State Operated Healthcare Facilities, (iv) any local health department, and (v) public hospitals.
- "Surgical gender transition procedure" would mean altering or removing physical characteristics that are typical for an individual's biological sex, or instilling or creating physical characteristics of a different biological sex, if any of those procedures were done for the purpose of effecting a gender transition.

The prohibitions would not extend to the following procedures:

- Services to individuals with a medically verifiable disorder of sex development.
- Services provided when a physician has diagnosed abnormal sex chromosome structure, sex steroid hormone production, or sex steroid hormone action.
- The treatment of any infection, injury, disease, or disorder caused by previous performance of gender transition procedures.
- Breast reduction procedures when necessary to remedy a physical disorder in a female patient.
- Any procedure to treat a physical disorder that places an individual at imminent risk of death or impairment of a major bodily function.
- Any procedure that a physician certifies is medically necessary to treat a physiological condition.

The PCS would also prohibit state funds from being used to fund surgical gender transition procedures, puberty-blocking drugs, or cross-sex hormones for minors. This prohibition would not include the State Health Plan, which is currently under a court order to cover these procedures.

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Legislative Analysis
Division
919-733-2578

Senate 631 PCS

Page 2

EFFECTIVE DATE: The bill would become effective October 1, 2023. The provisions allowing the State Health Plan to cover certain procedures would expire 30 days after the court order requiring that coverage is vacated or overturned.

BACKGROUND: On June 10, 2022 an order was entered in the case of *Kadel v. Folwell*, 1:19CV272 (M.D.N.C), permanently enjoining the State Health Plan from enforcing provisions which exclude "treatment in connection with sex changes" and ordering coverage of "medically necessary services for the treatment of gender dysphoria."