

118TH CONGRESS
1ST SESSION

S. _____

To amend chapter 110 of title 18, United States Code, to prohibit gender transition procedures on minors, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mr. MARSHALL introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To amend chapter 110 of title 18, United States Code, to prohibit gender transition procedures on minors, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Protecting Children
5 From Experimentation Act of 2023”.

6 **SEC. 2. GENDER TRANSITION PROCEDURES ON MINORS**

7 **PROHIBITED.**

8 Chapter 110 of title 18, United States Code, is
9 amended—

10 (1) by adding at the end the following:

1 **“§ 2260B. Gender transition procedures on minors**

2 “(a) IN GENERAL.—Any physical or mental
3 healthcare professional who knowingly performs or pro-
4 vides a referral for any gender transition procedure on a
5 minor shall be fined under this title, imprisoned not more
6 than 5 years, or both.

7 “(b) PROHIBITION ON PROSECUTION OF PERSON ON
8 WHOM PROCEDURES ARE PERFORMED.—No person on
9 whom the gender transition procedure under subsection
10 (a) is performed may be arrested or prosecuted for an of-
11 fense under this section.

12 “(c) CIVIL ACTION.—A person on whom a gender
13 transition procedure is performed under this section may
14 bring a civil action for appropriate relief against each per-
15 son who performed the gender transition procedure.

16 “(d) DEFINITIONS.—In this section:

17 “(1) BIOLOGICAL SEX.—The term ‘biological
18 sex’ means the biological indication of male and fe-
19 male in the context of reproductive potential or ca-
20 pacity, such as sex chromosomes, naturally occurring
21 sex hormones, gonads, and nonambiguous internal
22 and external genitalia present at birth, without re-
23 gard to the psychological, chosen, or subjective expe-
24 rience of the gender of an individual.

25 “(2) CROSS-SEX HORMONES.—The term ‘cross-
26 sex hormones’ means—

1 “(A) testosterone or other androgens given
2 to biological females at doses that are pro-
3 foundly larger or more potent than would nor-
4 mally occur naturally in healthy biological fe-
5 males; and

6 “(B) estrogen given to biological males at
7 doses that are profoundly larger or more potent
8 than would normally occur naturally in healthy
9 biological males.

10 “(3) GENDER.—The term ‘gender’ means the
11 psychological, behavioral, social, and cultural aspects
12 of being male or female.

13 “(4) GENDER TRANSITION.—The term ‘gender
14 transition’ means the process in which an individual
15 goes from identifying with and living as a gender
16 that corresponds to his or her biological sex to iden-
17 tifying with and living as a gender different from his
18 or her biological sex, and may involve social, legal,
19 or physical changes.

20 “(5) GENDER TRANSITION PROCEDURE.—

21 “(A) IN GENERAL.—The term ‘gender
22 transition procedure’ means any medical or sur-
23 gical service that seeks—

24 “(i) to alter or remove physical or an-
25 atomical characteristics or features that

1 are typical for the individual’s biological
2 sex; or

3 “(ii) to instill or create physiological
4 or anatomical characteristics that resemble
5 a sex different from the individual’s birth
6 sex.

7 “(B) INCLUSIONS.—For purposes of sub-
8 paragraph (A), the term ‘medical or surgical
9 service’ includes—

10 “(i) physician’s services;

11 “(ii) inpatient and outpatient hospital
12 services;

13 “(iii) prescribed drugs relating to gen-
14 der transition;

15 “(iv) a medical service that provides—

16 “(I) puberty-blocking drugs;

17 “(II) cross-sex hormones; or

18 “(III) other mechanisms to pro-
19 mote the development of feminizing or
20 masculinizing features (in the opposite
21 sex); and

22 “(v) gender transition surgery.

23 “(C) EXCLUSIONS.—The term ‘gender
24 transition procedure’ does not include—

1 “(i) services to individuals born with a
2 medically verifiable disorder of sex develop-
3 ment, including an individual with external
4 biological sex characteristics that are
5 irresolvably ambiguous, such as an indi-
6 vidual born with 46 XX chromosomes with
7 virilization, an individual born with 46 XY
8 chromosomes with undervirilization, or an
9 individual born having both ovarian and
10 testicular tissue;

11 “(ii) services provided when a physi-
12 cian has otherwise diagnosed a disorder of
13 sexual development in which the physician
14 has determined through genetic or bio-
15 chemical testing that the individual does
16 not have normal sex chromosome struc-
17 ture, sex steroid hormone production, or
18 sex steroid hormone action for a biological
19 male or biological female; or

20 “(iii) the treatment of any infection,
21 injury, disease, or disorder that has been
22 caused by or exacerbated by the perform-
23 ance of gender transition procedures,
24 whether or not the gender transition proce-
25 dure was performed in accordance with

1 State and Federal law or whether or not
2 funding for the gender transition proce-
3 dure is permissible under this section.

4 “(6) GENDER TRANSITION SURGERY.—

5 “(A) IN GENERAL.—The term ‘gender
6 transition surgery’ means any medical or sur-
7 gical service that seeks to surgically alter or re-
8 move healthy physical or anatomical character-
9 istics or features that are typical for the indi-
10 vidual’s biological sex in order to instill or cre-
11 ate physiological or anatomical characteristics
12 that resemble a sex different from the individ-
13 ual’s birth sex.

14 “(B) INCLUSIONS.—The term ‘gender
15 transition surgery’ includes genital gender tran-
16 sition surgery and non-genital gender transition
17 surgery.

18 “(C) EXCLUSIONS.—The term ‘gender
19 transition surgery’ does not include any proce-
20 dure undertaken because the individual suffers
21 from a physical disorder, physical injury, or
22 physical illness that would, as certified by a
23 physician, place the individual in imminent dan-
24 ger of death or impairment of major bodily
25 function unless surgery is performed for the

1 purpose of a gender transition or for the allevi-
2 ation of psychological or mental distress.

3 “(7) GENITAL GENDER TRANSITION SUR-
4 GERY.—The term ‘genital gender transition surgery’
5 means a surgical procedure performed for the pur-
6 pose of assisting an individual with a gender transi-
7 tion, including—

8 “(A) for biologically male patients, a
9 penectomy, orchiectomy, vaginoplasty,
10 clitoroplasty, and vulvoplasty; and

11 “(B) for biologically female patients, a
12 hysterectomy/ovariectomy, reconstruction of the
13 fixed part of the urethra with or without a
14 metoidioplasty or a phalloplasty, vaginectomy,
15 scrotoplasty, and implantation of erection or
16 testicular prostheses.

17 “(8) MINOR.—The term ‘minor’ means an indi-
18 vidual under the age of 18.

19 “(9) NON-GENITAL GENDER TRANSITION SUR-
20 GERY.—The term ‘non-genital gender transition sur-
21 surgery’ means a surgical procedure performed for the
22 purpose of assisting an individual with a gender
23 transition, including—

24 “(A) for biologically male patients, aug-
25 mentation mammoplasty, facial feminization

1 surgery, liposuction, lipofilling, voice surgery,
2 thyroid cartilage reduction, gluteal augmenta-
3 tion (implants/lipofilling), hair reconstruction,
4 and various aesthetic procedures; and

5 “(B) for biologically female patients, sub-
6 cutaneous mastectomy, voice surgery,
7 liposuction, lipofilling, pectoral implants, and
8 various aesthetic procedures.

9 “(10) PUBERTY-BLOCKING DRUGS.—The term
10 ‘puberty-blocking drugs’ means—

11 “(A) Gonadotropin-releasing hormone
12 (GnRH) analogues or other synthetic drugs
13 used in biological males to stop luteinizing hor-
14 mone secretion and therefore testosterone secre-
15 tion; and

16 “(B) synthetic drugs used in biological fe-
17 males that stop the production of estrogen and
18 progesterone, when used to delay or suppress
19 pubertal development in children for the pur-
20 pose of assisting an individual with a gender
21 transition.”; and

22 (2) by amending the table of sections for such
23 chapter by adding at the end the following:

“2260B. Gender transition procedures on minors.”.