

## 2023 South Dakota Legislature

**House Bill 1080****AMENDMENT 1080E  
FOR THE HOUSE HEALTH AND HUMAN SERVICES  
ENGROSSED BILL**

1 **An Act to prohibit certain ~~medical and~~ surgical interventions on minor patients.**

2 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

3 **Section 1. That chapter 34-24 be amended with a NEW SECTION:**

4 Terms used in sections 2 to 6, inclusive, of this Act, mean:

5 (1) "Minor," any person under the age of eighteen; and

6 (2) "Sex," ~~means~~ the biological indication of male and female, as evidenced by sex  
7 chromosomes, naturally occurring sex hormones, gonads, and nonambiguous  
8 internal and external genitalia present at birth.

9 **Section 2. That chapter 34-24 be amended with a NEW SECTION:**

10 Except as provided in section 3 of this Act, a healthcare professional may not, for  
11 the purpose of attempting to alter the appearance of, or to validate a minor's perception  
12 of, the minor's sex, if that appearance or perception is inconsistent with the minor's sex,  
13 knowingly:

14 (1) ~~Prescribe or administer any drug to delay or stop normal puberty;~~

15 (2) ~~Prescribe or administer testosterone, estrogen, or progesterone, in amounts~~  
16 ~~greater than would normally be produced endogenously in a healthy individual of~~  
17 ~~the same age and sex;~~

18 (3) ~~Perform any sterilizing surgery, including castration, hysterectomy, oophorectomy,~~  
19 ~~orchietomy, penectomy, and vasectomy;~~

20 (4)(2) ~~Perform any surgery that artificially constructs tissue having the appearance of~~  
21 ~~genitalia differing from the minor's sex, including metoidioplasty, phalloplasty, and~~  
22 ~~vaginoplasty; or~~

23 (5)(3) ~~Remove any healthy or non-diseased body part or tissue.~~

24 **Section 3. That chapter 34-24 be amended with a NEW SECTION:**

1           The prohibitions of section 2 of this Act do not limit or restrict the provision of  
2 services to:

3           (1) A minor born with a medically verifiable disorder of sex development, including  
4 external biological sex characteristics that are irresolvably ambiguous;

5           (2) A minor diagnosed with a disorder of sexual development, if a healthcare provider  
6 has determined, through genetic or biochemical testing, that the minor does not  
7 have a sex chromosome structure, sex steroid hormone production, or sex steroid  
8 hormone action, that is normal for a biological male or biological female; or

9           (3) A minor needing treatment for an infection, injury, disease, or disorder that has  
10 been caused or exacerbated by any action or procedure prohibited by section 2 of  
11 this Act.

12 **Section 4. That chapter 34-24 be amended with a NEW SECTION:**

13           If a professional or occupational licensing board finds, by a preponderance of the  
14 evidence and in compliance with chapter 1-26, that a healthcare professional licensed or  
15 certified by the board has violated section 2 of this Act, the board must revoke any  
16 professional or occupational license or certificate held by the healthcare professional.

17 **Section 5. That chapter 34-24 be amended with a NEW SECTION:**

18           Any civil action to recover damages for injury suffered as a result of a violation of  
19 section 2 of this Act must be commenced before the later of:

20           (1) The date on which the person reaches age twenty-five; or

21           (2) Within three years from the time the person discovered or reasonably should have  
22 discovered that the injury or damages were caused by the violation.

23

24 ~~**Section 6. That chapter 34-24 be amended with a NEW SECTION:**~~

25 ~~If, prior to July 1, 2023, a healthcare professional has initiated a course of treatment, for a~~  
26 ~~minor, which includes the prescription or administration of any drug or hormone prohibited~~  
27 ~~by section 2 of this Act, and if the healthcare professional determines and documents in the~~  
28 ~~minor's medical record that immediately terminating the minor's use of the drug or hormone~~  
29 ~~would cause harm to the minor, the healthcare professional may institute a period during~~  
30 ~~which the minor's use of the drug or hormone is systematically reduced. That period may not~~  
31 ~~extend beyond December 31, 2023.~~