

## 2023 South Dakota Legislature

**House Bill 1080****AMENDMENT 1080I  
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)(2) Perform any sterilizing surgery, including castration, hysterectomy, oophorectomy,  
19 orchiectomy, penectomy, and vasectomy;

20 (4)(3) 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)(4) 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 **Section 6. That chapter 34-24 be amended with a NEW SECTION:**

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