

2020 South Dakota Legislature
House Bill 1057

AMENDMENT 1057A FOR THE INTRODUCED BILL

1 **An Act to prohibit certain acts against children and provide a penalty therefor.**

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

3 **Section 1.** That a NEW SECTION be added:

4 **26-10-36. Definition of terms.**

5 Terms used in §§ 26-10-37 and 26-10-38 mean:

6 (1) "Medical professional," any physician, surgeon, physician assistant, nurse, clinical
7 nurse specialist, nurse practitioner, anesthetist, or medical assistant licensed under
8 title 36;

9 (2) "Sex," the biological state of being female or male, based on sex organs,
10 chromosomes, and endogenous hormone profiles.

11 **Section 2.** That a NEW SECTION be added:

12 **26-10-37. Perception of minor's sex--Prohibited practices--Violation as a**
13 **felony.**

14 Except as provided in § 26-10-38, a medical professional who engages in any of
15 the following practices upon a minor ~~under the age of sixteen, including an emancipated~~
16 minor, for the purpose of attempting to change or affirm the minor's perception of the
17 minor's sex, if that perception is inconsistent with the minor's sex, is guilty of a Class 4
18 felony:

19 (1) Performing the following surgeries: castration, vasectomy, hysterectomy,
20 oophorectomy, metoidioplasty, orchiectomy, penectomy, phalloplasty, and
21 vaginoplasty;

22 (2) Performing a mastectomy;

23 (3) Prescribing, dispensing, administering, or otherwise supplying the following
24 medications:

- 1 (a) Puberty-blocking medication to stop normal puberty;
2 (b) Supraphysiologic doses of testosterone to females; or
3 (c) Supraphysiologic doses of estrogen to males; or
4 (4) Removing any otherwise healthy or nondiseased body part or tissue.

5 **Section 3.** That a NEW SECTION be added:

6 **26-10-38. Perception of minor's sex--Prohibited practices--Exceptions.**

7 Section 26-10-37 does not apply to the good faith medical decision of a parent or
8 guardian of a minor born with a medically-verifiable genetic disorder of sex development,
9 including:

- 10 (1) A minor with external biological sex characteristics that are irresolvably ambiguous,
11 such as a minor born having 46, XX chromosomes with virilization, 46, XY
12 chromosomes with undervirilization, or having both ovarian and testicular tissue;
13 or
14 (2) When a physician has otherwise diagnosed a disorder of sexual development, in
15 which the physician has determined through genetic testing that the minor does
16 not have the normal sex chromosome structure for a male or female.

17 **Section 4.** That this Act may be cited as the Vulnerable Child Protection Act.