CHAPTER 42

Gender Reassignment Procedures

**SECTION 44-42-310. Definitions.**

 For the purposes of this article:

 (1) "Sex" means the biological indication of male and female in the context of reproductive potential or capacity, such as sex chromosomes, naturally occurring sex hormones, gonads, and nonambiguous internal and external genitalia present at birth, without regard to an individual's psychological, chosen, or subjective experience of gender.

 (2) "Cross-sex hormones" means testosterone, estrogen, or progesterone given to an individual in an amount greater than would normally be produced endogenously in a healthy individual of that individual's age and sex.

 (3) "Gender" means the psychological, behavioral, social, and cultural aspects of being male or female.

 (4) "Gender reassignment surgery" means any surgical service that seeks to surgically alter or remove healthy physical or anatomical characteristics or features that are typical for the individual's sex, in order to instill or create physiological or anatomical characteristics that resemble a sex different from the individual's sex including, without limitation, genital or nongenital gender reassignment surgery performed for the purpose of assisting an individual with a gender transition.

 (5) "Gender transition" means the process in which a person goes from identifying with and living as a gender that corresponds to his or her sex to identifying with and living as a gender different from his or her sex, and may involve social, legal, or physical changes.

 (6) "Gender transition procedures" means puberty-blocking drugs, cross-sex hormones, or genital or nongenital gender reassignment surgery, provided or performed for the purpose of assisting an individual with a physical gender transition.

 (7) "Genital gender reassignment surgery" means a surgical procedure performed for the purpose of assisting an individual with a physical gender transition including, without limitation, penectomy, orchiectomy, vaginoplasty, clitoroplasty, vulvoplasty, hysterectomy, ophorectomy, reconstruction of the urethra, metoidioplasty or phalloplasty, vaginectomy, scrotoplasty, or implantation of erection and/or testicular prostheses.

 (8) "Nongenital gender reassignment surgery" means surgical procedures performed for the purpose of assisting an individual with a physical gender transition including, without limitation, augmentation mammoplasty, facial feminization surgery, liposuction, lipofilling, voice surgery, thyroid cartilage reduction, gluteal augmentation, hair reconstruction, subcutaneous mastectomy, pectoral implants, or various aesthetic procedures.

 (9) "Puberty-blocking drugs" means gonadotropin releasing hormone analogues or other synthetic drugs used to stop luteinizing hormone and follicle stimulating hormone secretion, synthetic antiandrogen drugs used to block the androgen receptor, or any drug to suppress or delay normal pubertal development in children.

HISTORY: 2024 Act No. 203 (H.4624), § 1, eff May 21, 2024.

**SECTION 44-42-320. Health care professionals prohibited from providing gender transition procedures to persons under eighteen years of age.**

 (A) A physician, mental health provider, or other health care professional shall not knowingly provide gender transition procedures to a person under eighteen years of age.

 (B) A physician, mental health provider, or other health care professional shall not engage in the provision or performance of gender transition procedures to a person under eighteen years of age. This section may not be construed to impose liability on any speech protected by federal or state law.

 (C) If prior to August 1, 2024, a health care professional initiated a course of treatment that includes the prescription, delivery, or administration of a puberty-blocking drug or a cross-sex hormone to a person under the age of eighteen, and if the health care professional determines and documents in the person's medical record that immediately terminating the person's use of the drug or hormone would cause harm to the person, the health care professional may institute a period during which the person's use of the drug or hormone is systematically reduced. That period may not extend beyond January 31, 2025.

 (D) Subject to the provisions in subsections (A) and (B), nothing in this section prohibits a licensed health provider from offering mental health services within the scope of his practice.

 (E) A physician who knowingly performs genital gender reassignment surgery in violation of this chapter is guilty of inflicting great bodily injury upon a child as provided for in Section 16-3-95(A).

HISTORY: 2024 Act No. 203 (H.4624), § 1, eff May 21, 2024.

**SECTION 44-42-330. Services that health care professionals are authorized to provide patients under eighteen years of age.**

 Notwithstanding the provisions contained in Section 44-42-320, a physician or other health care professional may provide to a patient who is under eighteen years of age:

 (1) appropriate medical services to a person for precocious puberty, prostate cancer, breast cancer, endometriosis, or other procedure unrelated to gender transition, or to a person who was born with a medically verifiable disorder of sexual development including, but not limited to, a person with external biological sexual characteristics that are ambiguous including, but not limited to, people who were born with forty-six XX chromosomes with virilization or forty-six XY chromosomes with under virilization or having both ovarian and testicular tissue;

 (2) appropriate medical services to treat a disorder of sexual development arising because the person does not have normal sex chromosome structure, sex steroid hormone production, or sex steroid hormone action that was diagnosed through genetic or biochemical testing;

 (3) treatment of any infection, injury, disease, or disorder that has been caused by or exacerbated by the performance of gender transition procedures, whether or not the gender transition procedure was performed in accordance with state or federal law; and

 (4) any procedure undertaken because the person suffers from a physical disorder, physical injury, or physical illness that would, as certified by a physician, place the person in imminent danger of death or impairment of a major bodily function unless treated by the physician.

HISTORY: 2024 Act No. 203 (H.4624), § 1, eff May 21, 2024.

**SECTION 44-42-340. Use of public funds prohibited.**

 Public funds may not be used directly or indirectly for gender transition procedures.

HISTORY: 2024 Act No. 203 (H.4624), § 1, eff May 21, 2024.

**SECTION 44-42-350. Medicaid reimbursement prohibited.**

 The South Carolina Medicaid Program shall not reimburse or provide coverage for practices prohibited under the provisions of this chapter.

HISTORY: 2024 Act No. 203 (H.4624), § 1, eff May 21, 2024.

**SECTION 44-42-360. Penalties.**

 (A) The provision of services described in Section 44-42-320 to any person under eighteen years of age shall, upon an adverse ruling by the appropriate licensing board, be considered unprofessional conduct and shall be subject to discipline by the licensing entity with jurisdiction over the physician, mental health provider, or other medical health care professional.

 (B) A person may assert an actual or threatened violation of Section 44-42-320 as a claim or defense in a judicial or administrative proceeding and obtain compensatory damages, injunctive relief, declaratory relief, or any other appropriate relief.

 (C) A person shall be required to bring a claim for a violation of Section 44-42-320 no later than three years after the day the cause of action accrues. A minor may bring an action before reaching eighteen years of age through a parent or guardian and may bring an action in the minor's own name upon reaching eighteen years of age at any time from that point until twenty-one years after.

 (D) An action or proceeding initiated under this section for an actual or threatened violation of Section 44-42-320 may be commenced, and relief may be granted, in a judicial proceeding without regard to whether the person commencing the action has sought or exhausted available administrative remedies.

 (E) In any action or proceeding initiated under this section for an actual or threatened violation of Section 44-42-320, the prevailing party shall be entitled to recover reasonable attorneys' fees and court costs.

 (F) The Attorney General may bring an action to enforce compliance with Section 44-42-320 and Section 44-42-340. Nothing herein shall be construed to deny, impair, or otherwise affect any right or authority of the Attorney General, the State, or any agency, officer, or employee of the State to institute or intervene in any proceeding.

HISTORY: 2024 Act No. 203 (H.4624), § 1, eff May 21, 2024.