**South Carolina General Assembly**

125th Session, 2023-2024

**A203, R219, H4624**

**STATUS INFORMATION**

General Bill

Sponsors: Reps. Hiott, G.M. Smith, McCravy, Davis, Vaughan, Trantham, Pope, Chapman, Taylor, Oremus, Hartnett, Leber, Long, Nutt, Haddon, Burns, Chumley, Murphy, Mitchell, Brewer, Robbins, Gatch, West, Gilliam, Cromer, Kilmartin, O'Neal, Yow, S. Jones, Landing, Ballentine, Sandifer, Crawford, Guest, Willis, Ligon, Forrest, Pace, W. Newton, Bradley, Erickson, Gibson, Blackwell and M.M. Smith

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Introduced in the House on January 9, 2024

Introduced in the Senate on January 18, 2024

Last Amended on May 2, 2024

Currently residing in the House

Governor's Action: May 21, 2024, Signed

Summary: Gender Reassignment Procedures

**HISTORY OF LEGISLATIVE ACTIONS**

 Date Body Action Description with journal page number

 11/16/2023 House Prefiled

 11/16/2023 House Referred to Committee on **Medical, Military, Public and Municipal Affairs**

 1/9/2024 House Introduced and read first time (House Journal‑page 102)

 1/9/2024 House Referred to Committee on **Medical, Military, Public and Municipal Affairs** (House Journal‑page 102)

 1/9/2024 House Member(s) request name added as sponsor: Long,
 Nutt, Haddon, Burns, Chumley, Murphy,
 Mitchell, Brewer, Robbins, Gatch, West,
 Gilliam, Cromer, Kilmartin, O'Neal, Yow, S. Jones

 1/10/2024 House Member(s) request name added as sponsor: Landing,
 Ballentine, Sandifer, Crawford, Guest

 1/10/2024 House Committee report: Favorable with amendment **Medical, Military, Public and Municipal Affairs** (House Journal‑page 2)

 1/11/2024 House Requests for debate-Rep(s). Davis (House Journal‑page 17)

 1/11/2024 House Member(s) request name added as sponsor: Willis,
 Ligon, Forrest

 1/16/2024 House Member(s) request name added as sponsor: Pace

 1/16/2024 House Requests for debate-Rep(s). Hiott, McCravy, Harris, Magnuson, ONeal, Pope, Blackwell, Nutt, Guest, Hayes, Bauer, MM Smith, S Jones, Ott, Beach, Chapman, May, Cromer, Hadden, Robbins, Leber, Pace, Erickson, Gibson, Gilliam, Whilte, Hager, BL Cox (House Journal‑page 10)

 1/17/2024 House Member(s) request name added as sponsor: W.
 Newton, Bradley, Erickson, Gibson,
 Blackwell, M.M. Smith

 1/17/2024 House Amended (House Journal‑page 24)

 1/17/2024 House Read second time (House Journal‑page 24)

 1/17/2024 House Roll call Yeas-82 Nays-23 (House Journal‑page 51)

 1/18/2024 House Read third time and sent to Senate (House Journal‑page 18)

 1/18/2024 Senate Introduced and read first time (Senate Journal‑page 6)

 1/18/2024 Senate Referred to Committee on **Medical Affairs** (Senate Journal‑page 6)

 3/5/2024 Senate Committee report: Favorable with amendment **Medical Affairs** (Senate Journal‑page 9)

 3/6/2024 Scrivener's error corrected

 4/25/2024 Senate Special order, set for Aprl 25, 2024 (Senate Journal‑page 47)

 4/30/2024 Senate Read second time (Senate Journal‑page 60)

 5/1/2024 Senate Debate interrupted (Senate Journal‑page 50)

 5/2/2024 Senate Committee Amendment Adopted (Senate Journal‑page 14)

 5/2/2024 Senate Amended (Senate Journal‑page 14)

 5/2/2024 Senate Read third time and returned to House with amendments (Senate Journal‑page 14)

 5/2/2024 Senate Roll call Ayes-28 Nays-8 (Senate Journal‑page 14)

 5/7/2024 Scrivener's error corrected

 5/8/2024 House Debate adjourned (House Journal‑page 119)

 5/9/2024 House Concurred in Senate amendment and enrolled (House Journal‑page 6)

 5/9/2024 House Roll call Yeas-67 Nays-26 (House Journal‑page 6)

 5/15/2024 Ratified R 219

 5/21/2024 Signed By Governor

 5/29/2024 Effective date 05/21/24

 5/29/2024 Act No. 203

View the latest  [legislative information](https://www.scstatehouse.gov/billsearch.php?billnumbers=4624&session=125&summary=B)  at the website

**VERSIONS OF THIS BILL**

[11/16/2023](https://www.scstatehouse.gov/sess125_2023-2024/prever/4624_20231116.docx)

[01/10/2024](https://www.scstatehouse.gov/sess125_2023-2024/prever/4624_20240110.docx)

[01/17/2024](https://www.scstatehouse.gov/sess125_2023-2024/prever/4624_20240117.docx)

[03/05/2024](https://www.scstatehouse.gov/sess125_2023-2024/prever/4624_20240305.docx)

[03/06/2024](https://www.scstatehouse.gov/sess125_2023-2024/prever/4624_20240306.docx)

[05/02/2024](https://www.scstatehouse.gov/sess125_2023-2024/prever/4624_20240502.docx)

[05/07/2024](https://www.scstatehouse.gov/sess125_2023-2024/prever/4624_20240507.docx)

(A203, R219, H4624)

AN ACT TO AMEND THE SOUTH CAROLINA CODE OF LAWS BY ADDING CHAPTER 42 TO TITLE 44 SO AS TO DEFINE GENDER, SEX, AND OTHER TERMS, TO PROHIBIT THE PROVISION OF GENDER TRANSITION PROCEDURES TO A PERSON UNDER EIGHTEEN YEARS OF AGE, TO PROVIDE EXCEPTIONS, TO PROHIBIT THE USE OF PUBLIC FUNDS FOR GENDER TRANSITION PROCEDURES, AND TO PROVIDE PENALTIES; AND BY ADDING SECTION 59‑32‑36 SO AS TO PROHIBIT PUBLIC SCHOOL STAFF AND OFFICIALS FROM WITHHOLDING KNOWLEDGE OF A MINOR’S PERCEPTION OF THEIR GENDER FROM THE MINOR’S PARENTS, AMONG OTHER THINGS.

Be it enacted by the General Assembly of the State of South Carolina:

Gender reassignment procedures

SECTION 1. Title 44 of the S.C. Code is amended by adding:

 CHAPTER 42

 Gender Reassignment Procedures

 Section 44‑42‑310. 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.

 Section 44‑42‑320. (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).

 Section 44‑42‑330. 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.

 Section 44‑42‑340. Public funds may not be used directly or indirectly for gender transition procedures.

 Section 44‑42‑350. The South Carolina Medicaid Program shall not reimburse or provide coverage for practices prohibited under the provisions of this chapter.

 Section 44‑42‑360. (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.

Comprehensive health education program

SECTION 2. Chapter 32, Title 59 of the S.C. Code is amended by adding:

 Section 59‑32‑36. (A) A nurse, counselor, teacher, principal, or other official or staff at a public school shall not knowingly:

 (1) encourage or coerce a minor to withhold from the minor’s parent or legal guardian the fact that the minor’s perception of his or her gender is inconsistent with his or her sex, as defined in Section 44‑42‑310; or

 (2) withhold from a minor’s parent or legal guardian information related to the minor’s perception that his or her gender is inconsistent with his or her sex, as defined in Section 44‑42‑310.

 (B) The principal, vice principal, or counselor at a public school shall immediately notify in writing a minor’s parent or legal guardian if the minor:

 (1) asserts to any school employee that the minor’s gender is inconsistent with his or her sex, as defined in Section 44‑42‑310; or

 (2) requests a school employee to address a minor using a pronoun or title that does not align with the minor’s sex.

Severability

SECTION 3. If any section, subsection, paragraph, subparagraph, sentence, clause, phrase, or word of this act is for any reason held to be unconstitutional or invalid, such holding shall not affect the constitutionality or validity of the remaining portions of this act, the General Assembly hereby declaring that it would have passed this act, and each and every section, subsection, paragraph, subparagraph, sentence, clause, phrase, and word thereof, irrespective of the fact that any one or more other sections, subsections, paragraphs, subparagraphs, sentences, clauses, phrases, or words hereof may be declared to be unconstitutional, invalid, or otherwise ineffective.

Time effective

SECTION 4. This act takes effect upon approval by the Governor.

Ratified the 15th day of May, 2024.

Approved the 21st day of May, 2024.

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