

1 AN ACT relating to public protection.

2 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

3 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 438 IS CREATED TO
4 READ AS FOLLOWS:

5 *(1) For the purposes of this section:*

6 *(a) "Advanced practice registered nurse" has the same meaning as in KRS*
7 *314.011;*

8 *(b) "Disorder of sex development" means congenital conditions in which the*
9 *development of chromosomal, gonadal, or anatomical sex is atypical, and*
10 *excludes gender dysphoria;*

11 *(c) "Gender dysphoria" means a person's persistent discomfort with his or her*
12 *sex as assigned at birth;*

13 *(d) "Medical professional" means any physician, physician assistant,*
14 *advanced practice registered nurse, nurse, nurse's aide, medical assistant,*
15 *or pharmacist licensed in this state;*

16 *(e) "Minor" means any person under the age of eighteen (18) who is not an*
17 *emancipated minor;*

18 *(f) "Nurse" has the same meaning as in KRS 314.011;*

19 *(g) "Physician" has the same meaning as in KRS 311.720;*

20 *(h) "Physician assistant" has the same meaning as in KRS 311.840;*

21 *(i) "Puberty-blocking medication" means medication administered to suppress*
22 *the body's release of sex hormones during puberty; and*

23 *(j) "Sex" means the biological state of being female or male, based on sex*
24 *organs, chromosomes, and endogenous hormone profiles.*

25 *(2) Notwithstanding any other provision of law, it shall be unlawful for any medical*
26 *professional to engage in or cause to be performed any of the following practices*
27 *upon a minor in order to facilitate the minor's desire to present or appear in a*

1 manner that is inconsistent with the minor's sex:

2 (a) Performing surgery, including castration, vasectomy, hysterectomy,
3 oophorectomy, mastectomy, metoidioplasty, orchiectomy, penectomy,
4 phalloplasty, cliterodectomy, and vaginoplasty;

5 (b) Administering, prescribing, or supplying the following medications that
6 induce transient or permanent infertility:

7 1. Puberty-blocking medication to stop or delay normal puberty;

8 2. Supraphysiologic doses of testosterone or other androgens to members
9 of the female sex; or

10 3. Supraphysiologic doses of estrogen or synthetic compounds with
11 estrogenic activity to members of the male sex; or

12 (c) Removing any otherwise healthy or non-diseased body part or tissue.

13 (3) This section does not apply to the treatment of a minor born with a medically
14 verifiable genetic disorder of sexual development, including:

15 (a) A minor with external biological sex characteristics that are irresolvably
16 ambiguous, such as a minor born having forty-six (46) XX chromosomes
17 with virilization, forty-six (46) XY chromosomes with undervirilization, or
18 having both ovarian and testicular tissue; or

19 (b) When a medical professional has otherwise clinically diagnosed a disorder
20 of sexual development.

21 (4) (a) A medical professional who engages in or causes to be performed any of the
22 practices identified in subsection (2) of this section shall be considered to
23 have engaged in unprofessional conduct and shall be subject to revocation
24 of licensure and other appropriate discipline by the medical professional's
25 licensing board.

26 (b) 1. Any individual injured by any act in violation of this section shall have
27 a civil cause of action in Circuit Court to enjoin further violations,

1 and for compensatory and punitive damages, court costs, and
 2 reasonable attorney's fees.

3 2. Minors injured by practices prohibited under this section may bring
 4 an action during their minority through a parent or next friend, or
 5 may bring an action in their own name upon reaching majority at any
 6 time from that point until twenty (20) years after reaching the age of
 7 majority.

8 ➔SECTION 2. A NEW SECTION OF KRS CHAPTER 405 IS CREATED TO
 9 READ AS FOLLOWS:

10 (1) For the purposes of this section:

11 (a) "Gender dysphoria" means a person's persistent discomfort with his or her
 12 sex as assigned at birth;

13 (b) "Government agent" means any employee, volunteer, or contractor of a
 14 state agency, court, or school district;

15 (c) "Political subdivision" means any city, county, consolidated local
 16 government, urban-county government, charter county government, or
 17 unified local government and any divisions of those governments delegated
 18 the right to exercise part of the sovereign power of that subdivision; and

19 (d) "Sex" means the biological state of being female or male, based on sex
 20 organs, chromosomes, and endogenous hormone profiles.

21 (2) Parents or guardians, in exercising the fundamental right to care for their child,
 22 may withhold consent for any activity designed and intended to form their child's
 23 conceptions of sex or to treat gender dysphoria. The state, government agents,
 24 and its political subdivisions shall not infringe upon the exercise of this right.

25 (3) Except for law enforcement personnel in the course of an official investigation,
 26 no government agent shall encourage or coerce a minor to withhold information
 27 regarding the minor's gender dysphoria from the minor's parents. A government

1 agent shall not withhold from a minor's parents information regarding the
 2 minor's gender dysphoria. Conduct described in this subsection shall be grounds
 3 for discipline of an employee, in addition to any other remedies provided to a
 4 parent under this section.

5 (4) Any individual injured by any act in violation of this section shall have a civil
 6 cause of action in Circuit Court to enjoin further violations, and for
 7 compensatory and punitive damages, court costs, and reasonable attorney's fees.

8 ➔SECTION 3. A NEW SECTION OF KRS CHAPTER 61 IS CREATED TO
 9 READ AS FOLLOWS:

10 (1) As used in this section, unless the context requires otherwise:

11 (a) "Discrimination" means any direct or indirect act or practice of exclusion,
 12 distinction, restriction, segregation, limitation, refusal, denial, or any other
 13 act or practice of differentiation or preference in the treatment of a person
 14 or persons, or the aiding, abetting, inciting, coercing, or compelling thereof;

15 (b) "Employee" means a person in the service of the Commonwealth of
 16 Kentucky, or any of its political subdivisions, who is under contract of hire,
 17 express or implied, oral or written, where the Commonwealth, or any of its
 18 political subdivisions, has the power or right to control and direct the
 19 material details of work performance; and

20 (c) "Employer":

21 1. Means the Commonwealth of Kentucky or any of its political
 22 subdivisions; and

23 2. Includes any person authorized to act on behalf of the
 24 Commonwealth, or any of its political subdivisions, with respect to
 25 formulation of policy or the supervision, in a managerial capacity, of
 26 subordinate employees.

27 (2) An employer shall not subject to reprisal or discriminate against, or use any

1 official authority or influence to cause reprisal or discrimination by others
2 against, any employee who publicly expresses an opinion regarding gender
3 identity or gender dysphoria.

4 (3) Any individual injured by any act in violation of this section shall have a civil
5 cause of action in Circuit Court to enjoin further violations, and for
6 compensatory and punitive damages, court costs, and reasonable attorney's fees.