

BILL ANALYSIS

Senate Research Center
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C.S.S.B. 1646
By: Perry et al.
State Affairs
4/12/2021
Committee Report (Substituted)

AUTHOR'S / SPONSOR'S STATEMENT OF INTENT

This legislation would prohibit children from receiving puberty suppression prescription drugs, cross-sex hormones, or medical procedures or surgeries for the purpose of transitioning genders or gender reassignment.

This bill provides two exceptions to these provisions. First, in rare situations when children are born intersex, the bill allows these children to receive medical treatment. Second, the bill exempts the lawful discharge of an actor's duties under a license issued to the actor under Chapter 551, Occupations Code.

(Original Author's / Sponsor's Statement of Intent)

C.S.S.B. 1646 amends current law relating to the definition of abuse of a child.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Section 261.001, Family Code, by amending Subdivision (1) and adding Subdivision (3-a), as follows:

(1) Redefines "abuse" for purposes of Chapter 261 (Investigation of Report of Child Abuse or Neglect) to:

(A) include the following acts or omissions by a person:

(i) - (xi) creates these subparagraphs from existing text and makes no further changes;

(xii) and (xiii) creates these subparagraphs from existing text and makes nonsubstantive changes; or

(xiv) administering or supplying, or consenting to or assisting in the administration or supply of, a puberty suppression prescription drug or cross-sex hormone to a child, other than an intersex child, for the purpose of gender transitioning or gender reassignment; or

(xv) performing or consenting to the performance of surgery or another medical procedure on a child, other than an intersex child, for the purpose of gender transitioning or gender reassignment; and

(B) not include an act described by Subparagraph (xiv) if the act is the dispensing or delivery of a drug in accordance with Subtitle J (Pharmacy and Pharmacists), Title 3 (Health Professions), Occupations Code, by a person licensed under that subtitle.

(3-a) Defines "intersex child" for purposes of Chapter 261.

SECTION 2. Provides that the changes in law made by this Act to Section 261.001, Family Code, do not apply to a person alleged to have committed abuse with respect to a child who:

(1) was born on or before August 31, 2010; and

(2) began taking puberty suppressant or prescription drugs or cross-sex hormones or had any surgery or medical procedure performed for the purpose of gender transitioning or gender reassignment under the care of a licensed physician before the effective date of this Act.

SECTION 3. Effective date: September 1, 2021.