

117TH CONGRESS
1ST SESSION

S. 778

To amend chapter 110 of title 18, United States Code, to prohibit gender reassignment medical interventions on minors, and for other purposes.

IN THE SENATE OF THE UNITED STATES

MARCH 16, 2021

Mr. MARSHALL (for himself, Mr. BRAUN, Mrs. BLACKBURN, and Mrs. HYDE-SMITH) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To amend chapter 110 of title 18, United States Code, to prohibit gender reassignment medical interventions on minors, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Protecting Children
5 From Experimentation Act of 2021”.

6 **SEC. 2. GENDER REASSIGNMENT MEDICAL INTERVENTIONS**
7 **ON MINORS PROHIBITED.**

8 Chapter 110 of title 18, United States Code, is
9 amended—

1 (1) by adding at the end the following:

2 **“§ 2260B. Gender reassignment medical interventions**
 3 **on minors**

4 “(a) IN GENERAL.—Whoever knowingly performs
 5 any gender reassignment medical intervention on a minor
 6 shall be fined under this title, imprisoned not more than
 7 5 years, or both.

8 “(b) PROHIBITION ON PROSECUTION OF PERSON ON
 9 WHOM INTERVENTION IS PERFORMED.—No person on
 10 whom the gender reassignment medical intervention under
 11 subsection (a) is performed may be arrested or prosecuted
 12 for an offense under this section.

13 “(c) CIVIL ACTION.—A person on whom a gender re-
 14 assignment medical intervention is performed under this
 15 section may bring a civil action for appropriate relief
 16 against each person who performed the gender reassign-
 17 ment medical intervention.

18 “(d) DEFINITIONS.—In this section:

19 “(1) GENDER REASSIGNMENT MEDICAL INTER-
 20 VENTION.—

21 “(A) IN GENERAL.—For purposes of this
 22 chapter, except as provided in subparagraph
 23 (B), the term ‘gender reassignment medical
 24 intervention’ means—

1 “(i) performing a surgery that steri-
 2 lizes an individual, including castration,
 3 vasectomy, hysterectomy, oophorectomy,
 4 metoidioplasty, penectomy, phalloplasty,
 5 and vaginoplasty, to change the body of
 6 such individual to correspond to a sex that
 7 is discordant with biological sex;

8 “(ii) performing a mastectomy on an
 9 individual for the purpose described in
 10 clause (i); or

11 “(iii) administering or supplying to an
 12 individual medications for the purpose de-
 13 scribed in clause (i), including—

14 “(I) GnRH agonists or other pu-
 15 berty-blocking drugs to stop or delay
 16 normal puberty;

17 “(II) testosterone or other
 18 androgens to biological females at
 19 doses that are supraphysiologic to the
 20 female sex; or

21 “(III) estrogen to biological
 22 males at doses that are
 23 supraphysiologic to the male sex.

24 “(B) EXCEPTION.—Subparagraph (A)
 25 shall not apply to the following individuals:

1 “(i) An individual with external bio-
 2 logical sex characteristics that are
 3 irresolvably ambiguous, such as those born
 4 with 46 XX chromosomes with virilization,
 5 46 XY chromosomes with undervirilization,
 6 or having both ovarian and testicular tis-
 7 sue.

8 “(ii) An individual with respect to
 9 whom a physician has determined through
 10 genetic or biochemical testing that the in-
 11 dividual does not have normal sex chro-
 12 mosome structure, sex steroid hormone
 13 production, or sex steroid hormone action
 14 for a biological male or biological female.

15 “(2) MINOR.—The term ‘minor’ means any per-
 16 son under the age of eighteen years.”; and

17 (2) by amending the table of sections for such
 18 chapter by adding at the end the following:

“2260B. Gender reassignment medical interventions on minors.”.

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