

# HOUSE BILL 722

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By: **Delegates Arikan, Adams, Chisholm, Fisher, Ghrist, Grammer, Hartman, Kipke, Mangione, M. Morgan, Nawrocki, Pippy, Reilly, Sample-Hughes, Simmons, Szeliga, Taylor, Valentine, and Wivell**

Introduced and read first time: January 26, 2024

Assigned to: Health and Government Operations

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## A BILL ENTITLED

1 AN ACT concerning

2 **Health – Minors – Gender and Sex Transition Procedures**

3 FOR the purpose of prohibiting a health care provider from knowingly engaging in or  
4 causing certain medical or surgical procedures to be performed on a minor without  
5 the consent of the parent, guardian, or custodian of the minor if performed for the  
6 purpose of attempting to alter the appearance of, or affirm the minor's perception of,  
7 the minor's gender or sex and the appearance or perception is inconsistent with the  
8 minor's sex, except under certain circumstances; and generally relating to gender  
9 and sex transition procedures and minors.

10 BY adding to

11 Article – Health – General

12 Section 20–107

13 Annotated Code of Maryland

14 (2023 Replacement Volume)

15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
16 That the Laws of Maryland read as follows:

17 **Article – Health – General**

18 **20–107.**

19 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
20 INDICATED.

21 (2) “GENDER” MEANS THE PSYCHOLOGICAL, BEHAVIORAL, SOCIAL,  
22 AND CULTURAL ASPECTS OF BEING MALE OR FEMALE.

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(3) "HEALTH CARE PROVIDER" HAS THE MEANING STATED IN § 20-104 OF THIS SUBTITLE.

(4) "SEX" MEANS THE BIOLOGICAL INDICATION OF MALE AND FEMALE, INCLUDING 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.

(B) EXCEPT AS PROVIDED IN SUBSECTION (C) OF THIS SECTION, A HEALTH CARE PROVIDER MAY NOT KNOWINGLY AND WITHOUT THE CONSENT OF THE PARENT, GUARDIAN, OR CUSTODIAN OF THE MINOR ENGAGE IN OR CAUSE ANY OF THE FOLLOWING PRACTICES TO BE PERFORMED ON A MINOR IF THE PRACTICE IS PERFORMED FOR THE PURPOSE OF ATTEMPTING TO ALTER THE APPEARANCE OF, OR AFFIRM THE MINOR'S PERCEPTION OF, THE MINOR'S GENDER OR SEX AND THE APPEARANCE OR PERCEPTION IS INCONSISTENT WITH THE MINOR'S SEX:

(1) PRESCRIBING OR ADMINISTERING 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 PUBERTY;

(2) PRESCRIBING OR ADMINISTERING TESTOSTERONE, ESTROGEN, OR PROGESTERONE IN AN AMOUNT GREATER THAN WOULD NORMALLY BE PRODUCED ENDOGENOUSLY IN A HEALTHY INDIVIDUAL OF THAT INDIVIDUAL'S AGE AND SEX;

(3) PERFORMING SURGERIES THAT STERILIZE, INCLUDING CASTRATION, VASECTOMY, HYSTERECTOMY, OOPHORECTOMY, ORCHIECTOMY, AND PENECTOMY;

(4) PERFORMING SURGERIES THAT ARTIFICIALLY CONSTRUCT TISSUE WITH THE APPEARANCE OF GENITALIA THAT DIFFERS FROM THE INDIVIDUAL'S SEX, INCLUDING METOIDIOPLASTY, PHALLOPLASTY, AND VAGINOPLASTY; OR

(5) REMOVING ANY HEALTHY OR NONDISEASED BODY PART OR TISSUE.

(C) THE PROVISIONS OF SUBSECTION (B) OF THIS SECTION DO NOT APPLY TO A HEALTH CARE PROVIDER ENGAGING IN OR CAUSING ANY OF THE FOLLOWING PRACTICES TO BE PERFORMED ON A MINOR BASED ON A GOOD FAITH MEDICAL

1 DECISION OF THE HEALTH CARE PROVIDER AND A PARENT, GUARDIAN, OR  
2 CUSTODIAN THAT THE MINOR HAS A MEDICALLY VERIFIABLE GENETIC DISORDER  
3 OF SEX DEVELOPMENT:

4 (1) SERVICES PROVIDED TO A MINOR BORN WITH A MEDICALLY  
5 VERIFIABLE DISORDER OF SEX DEVELOPMENT, INCLUDING A MINOR WITH  
6 EXTERNAL BIOLOGICAL SEX CHARACTERISTICS THAT ARE IRRESOLVABLY  
7 AMBIGUOUS, SUCH AS A MINOR BORN WITH 46 XX CHROMOSOMES WITH  
8 VIRILIZATION, 46 XY CHROMOSOMES WITH UNDERVIRILIZATION, OR HAVING BOTH  
9 OVARIAN AND TESTICULAR TISSUE;

10 (2) SERVICES PROVIDED TO A MINOR WHO HAS OTHERWISE BEEN  
11 DIAGNOSED WITH A DISORDER OF SEXUAL DEVELOPMENT BY A PHYSICIAN, WHEN  
12 THE PHYSICIAN HAS DETERMINED THROUGH GENETIC OR BIOCHEMICAL TESTING  
13 THAT THE MINOR DOES NOT HAVE A NORMAL SEX CHROMOSOME STRUCTURE, SEX  
14 STEROID HORMONE PRODUCTION, OR SEX STEROID HORMONE ACTION FOR A  
15 BIOLOGICAL MALE OR BIOLOGICAL FEMALE;

16 (3) THE TREATMENT OF ANY INFECTION, INJURY, DISEASE, OR  
17 DISORDER THAT HAS BEEN CAUSED OR EXACERBATED BY THE PERFORMANCE OF  
18 GENDER TRANSITION PROCEDURES, WHETHER OR NOT THE PROCEDURES WERE  
19 PERFORMED IN ACCORDANCE WITH FEDERAL AND STATE LAW; AND

20 (4) ANY PROCEDURE UNDERTAKEN BECAUSE A MINOR SUFFERS  
21 FROM A PHYSICAL DISORDER, PHYSICAL INJURY, OR PHYSICAL ILLNESS THAT IS  
22 CERTIFIED BY A PHYSICIAN AND THAT WOULD PLACE THE MINOR IN IMMINENT  
23 DANGER OF DEATH OR IMPAIRMENT OF A MAJOR BODILY FUNCTION UNLESS  
24 SURGERY IS PERFORMED.

25 (D) (1) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A  
26 MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT FOR NOT LESS  
27 THAN 1 YEAR AND NOT EXCEEDING 3 YEARS.

28 (2) NOTWITHSTANDING § 14-102 OF THE CRIMINAL LAW ARTICLE, A  
29 COURT MAY NOT IMPOSE LESS THAN THE MANDATORY MINIMUM SENTENCE OF 1  
30 YEAR.

31 (3) A COURT MAY NOT SUSPEND ANY PART OF THE MANDATORY  
32 MINIMUM SENTENCE OF 1 YEAR.

33 (E) THE SECRETARY MAY ADOPT REGULATIONS TO CARRY OUT THIS  
34 SECTION.

1           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
2   October 1, 2024.