

By: Senator(s) Tate, Hill

To: Judiciary, Division A

SENATE BILL NO. 2770

1 AN ACT TO PROHIBIT GENDER REASSIGNMENT SURGERY FROM BEING  
2 PERFORMED UPON A MINOR; TO STATE LEGISLATIVE INTENT; TO DEFINE  
3 TERMS; TO CRIMINALIZE ANY PERSON THAT PERFORMS A GENDER  
4 REASSIGNMENT SURGERY UPON A MINOR FOR THE PURPOSE OF ASSISTING A  
5 MINOR WITH A GENDER TRANSITION; TO PROVIDE CRIMINAL PENALTIES; TO  
6 PROVIDE THAT THE PERFORMANCE OF A GENDER REASSIGNMENT SURGERY UPON  
7 A MINOR BY A MEDICAL PROFESSIONAL SHALL BE UNPROFESSIONAL CONDUCT;  
8 TO REQUIRE A MEDICAL PROFESSIONAL'S LICENSING OR CERTIFYING BOARD  
9 TO REVOKE THE LICENSURE OF THE MEDICAL PROFESSIONAL IF IT WAS  
10 DETERMINED THAT A GENDER REASSIGNMENT SURGERY WAS PERFORMED UPON A  
11 MINOR; TO PROVIDE A CIVIL PENALTY FOR ANY MEDICAL PROFESSIONAL WHO  
12 PERFORMS A GENDER REASSIGNMENT SURGERY UPON A MINOR; TO PROVIDE A  
13 GOOD-FAITH EXCEPTION FOR A MINOR BORN WITH A MEDICALLY VERIFIABLE  
14 GENETIC DISORDER OF SEXUAL DEVELOPMENT; TO PROVIDE A PRIVATE CAUSE  
15 OF ACTION FOR VIOLATIONS OF THIS ACT; TO PROVIDE THAT THE  
16 PROVISIONS OF THIS ACT ARE SEVERABLE; AND FOR RELATED PURPOSES.

17 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

18 **SECTION 1.** (1) The Legislature finds:

19 (a) That the decision to pursue gender reassignment  
20 surgery to address a discordance between an individual's sex and  
21 sense of identity should not be performed on minors who are  
22 incapable of comprehending the negative implications and  
23 life-altering difficulties attending to these procedures; and



24 (b) That minors are unable to fully appreciate the  
25 risks and life implications, including permanent sterility that  
26 result from surgical procedures.

27 (2) Therefore, it is the intent of the Mississippi  
28 Legislature, through this act and any regulations and policies  
29 promulgated under it, to protect minors from gender reassignment  
30 surgery.

31 **SECTION 2.** For the purpose of this act, the following terms  
32 shall have the meaning ascribed to them herein unless the context  
33 clearly indicates otherwise:

34 (a) "Gender reassignment surgery" means any medical or  
35 surgical service that seeks to surgically alter or remove healthy  
36 physical or anatomical characteristics or features that are  
37 typical for the individual's biological sex in order to instill or  
38 create physiological or anatomical characteristics that resemble a  
39 sex different from the individual's biological sex, including  
40 without limitation, genital or nongenital gender reassignment  
41 surgery performed for the purpose of assisting an individual with  
42 a gender transition. "Gender reassignment surgery" may include,  
43 but is not limited to, the following procedures:

44 (i) A mastectomy; or

45 (ii) A surgery that sterilizes, including:

46 1. A castration;

47 2. A vasectomy;

48 3. A hysterectomy;



- 49 4. An oophorectomy;
- 50 5. A metoidioplasty;
- 51 6. An orchiectomy;
- 52 7. A penectomy;
- 53 8. A phalloplasty; and
- 54 9. A vaginoplasty.

55 (b) "Gender transition" means the process in which a  
56 person goes from identifying with and living as a gender that  
57 corresponds to his or her biological sex to identifying with and  
58 living as a gender different from his or her biological sex, and  
59 may involve social, legal or physical changes.

60 (c) "Medical professional" means any physician,  
61 surgeon, physician assistant, nurse, clinical nurse specialist,  
62 nurse practitioner, anesthetist, psychiatrist or medical assistant  
63 licensed under Mississippi law.

64 (d) "Minor" means any child below the age of twenty-one  
65 (21).

66 (e) "Sex" means the biological state of being female or  
67 male, based on sex organs, chromosomes and endogenous hormone  
68 profiles.

69 **SECTION 3.** (1) A person is guilty of performing a gender  
70 reassignment surgery upon a minor if he purposely, knowingly or  
71 recklessly performs, attempts to perform, or causes to be  
72 performed a gender reassignment surgery upon a minor for the  
73 purpose of assisting the minor with a gender transition.



74 (2) Upon conviction, the defendant is guilty of a felony  
75 punishable by a fine of not more than Ten Thousand Dollars  
76 (\$10,000.00) or by a term of no less than five (5) years nor more  
77 than fifteen (15) years in the custody of the Mississippi  
78 Department of Corrections, or both.

79 (3) Upon conviction, if the defendant was a medical  
80 professional at the time of the offense, the defendant shall be  
81 subject to an enhanced penalty in addition to the penalties  
82 provided in subsection (2) of this section of a fine of not more  
83 than Fifteen Thousand Dollars (\$15,000.00) or by a term of not  
84 less than five (5) years nor more than ten (10) years in the  
85 custody of the Mississippi Department of Corrections, or both.

86 **SECTION 4.** (1) A medical professional who performs,  
87 attempts to perform, or causes to be performed a gender  
88 reassignment surgery upon a minor for the purpose of assisting an  
89 individual with a gender transition shall be considered to have  
90 engaged in unprofessional conduct. After a hearing, the medical  
91 professional's licensing or certifying board shall revoke the  
92 licensure of the medical professional if it was determined that a  
93 gender reassignment surgery was performed, was attempted to be  
94 performed or was caused to be performed upon a minor for the  
95 purpose of assisting an individual with a gender transition.

96 (2) The medical professional shall also be subject to a  
97 civil fine of not more than Five Thousand Dollars (\$5,000.00) per  
98 occurrence.



99 (3) The hearing and civil fine required by this section  
100 shall not be contingent on the criminal arrest of the medical  
101 professional or the initiation of criminal proceedings against the  
102 medical professional.

103 **SECTION 5.** Sections 3 and 4 of this act do not apply to the  
104 good-faith medical decision of a parent or guardian of a minor  
105 born with a medically verifiable genetic disorder of sexual  
106 development or any medical procedure performed as a result of that  
107 good-faith medical decision, including:

108 (a) A minor with external biological sex  
109 characteristics that are ambiguous and irresolvable, such as a  
110 minor born having 46 XX chromosomes with virilization, 46 XY  
111 chromosomes with undervirilization, or having both ovarian and  
112 testicular tissue; or

113 (b) When a physician has otherwise diagnosed a disorder  
114 of sexual development, in which the physician has determined  
115 through genetic testing that the minor does not have the normal  
116 sex chromosome structure for a male or female.

117 **SECTION 6.** (1) Any person harmed by a violation of this act  
118 may bring a claim to obtain injunctive relief, compensatory and  
119 punitive damages, and any other relief available under law against  
120 a government agent, state office, agency, any political  
121 subdivision of the state, any local government or any other person  
122 or entity responsible for the violation.



123           (2) A civil action brought under this act may be commenced  
124 no later than two (2) years after the day the cause of action  
125 accrues. If any person entitled to bring any action under this  
126 chapter shall, at the time at which the cause of action accrued,  
127 be under the disability of infancy or unsoundness of mind, he may  
128 bring the action within twenty (20) years after his disability  
129 shall be removed as provided by law. The savings in favor of  
130 persons under disability of unsoundness of mind shall never extend  
131 longer than forty-one (41) years.

132           **SECTION 7.** This act shall be severable as provided in  
133 Section 1-3-77.

134           **SECTION 8.** This act shall take effect and be in force from  
135 and after July 1, 2023.

