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# OHIO LEGISLATIVE SERVICE COMMISSION

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## Substitute Bill Comparative Synopsis

### Sub. H.B. 454

### 134<sup>th</sup> General Assembly

House Families, Aging, and Human Services

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This table summarizes how the latest substitute version of the bill differs from the immediately preceding version. It addresses only the topics on which the two versions differ substantively. It does not list topics on which the two bills are substantively the same.

Previous Version (As Introduced)	Latest Version (I_134_1743-9)
<b>Gender transition treatment for minors – prohibited activities</b>	
<p>Prohibits a medical health care professional from providing to a minor any medical or surgical procedure or service that seeks to alter or remove physical or anatomical characteristics or features that are typical for the minor’s biological sex or to instill or create physiological or anatomical characteristics that resemble a sex different from the minor’s birth sex, including the following services:</p> <ul style="list-style-type: none"> <li>Performing genital or nongenital gender reassignment surgery;</li> </ul>	<p>Instead, prohibits a physician from knowingly performing gender reassignment surgery (genital and nongenital) on a minor for the purpose of assisting with gender transition (<i>R.C. 3129.02(A)</i>).</p>

<p style="text-align: center;"><b>Previous Version (As Introduced)</b></p>	<p style="text-align: center;"><b>Latest Version (I_134_1743-9)</b></p>
<ul style="list-style-type: none"> <li>▪ Providing puberty-blocking drugs or cross-sex hormones (<i>R.C. 3129.02 and 3129.04</i>).</li> </ul> <p>Prohibits a medical health care professional from referring a minor to any medical doctor for gender transition procedures and services (<i>R.C. 3129.04</i>).</p>	<p>Prohibits a physician from referring a minor to a mental health professional for the diagnosis or treatment of a gender-related condition without disclosing to the minor’s parent or guardian that the referral is for the diagnosis or treatment of a gender-related condition (<i>R.C. 3129.02(B)</i>).</p>
<p><b>Puberty-blocking drugs and cross-sex hormones</b></p>	
<p>Prohibits a medical health care professional from providing to minors puberty-blocking drugs, cross-sex hormones, or other mechanisms to promote the development of feminizing or masculinizing features in the opposite sex (<i>R.C. 3129.02 and 3129.04</i>).</p>	<p>Instead, permits a physician to prescribe to a minor a puberty-blocking drug or cross-sex hormone to assist with the minor’s gender transition, but only if the following conditions are met before issuing the prescription:</p> <ul style="list-style-type: none"> <li>▪ The physician confirms that the minor has received on a routine basis and for at least a two-year period counseling related to gender dysphoria, mental health, and the risks of gender transition;</li> <li>▪ The physician screens the minor for other comorbidities that may be influencing the minor’s gender dysphoria (including depression, anxiety, ADHD, autism spectrum disorder, and other mental health conditions) and ensures that these comorbidities are treated and stabilized for at least two years;</li> <li>▪ The physician screens the minor for physical, sexual, mental, and emotional abuse and other traumas and ensures that any traumas are treated;</li> <li>▪ The physician consults with another physician with whom the physician is not affiliated, and the other physician agrees with the treatment plan for the minor;</li> </ul>

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	<ul style="list-style-type: none"> <li>▪ The use of the puberty-blocker or cross-sex hormone will not result in an increased risk of vaginal atrophy, penile atrophy, testicular atrophy, permanent loss of libido, sterility, endometrial carcinoma, or polycystic ovary syndrome (<i>R.C. 3129.03</i>).</li> </ul>
<b>Application of the bill</b>	
<p>Specifies that the bill’s prohibitions on gender transition procedures and services for minors apply to all of the following medical health care professionals: physicians, nurses, pharmacists, psychiatrists, psychologists, and any other professional licensed to provide mental health care services (<i>R.C. 3129.02 and 3129.04</i>).</p>	<p>Instead, limits the bill’s provisions to physicians (note that under current Ohio law, only a physician may perform surgery, and other health professionals authorized to prescribe drugs may not exceed the prescriptive authority of a physician (<i>R.C. Chapters 4729 and 4731 and sections 4723.481 and 4730.42, not in the bill</i>)).</p>
<b>Reporting requirements</b>	
<p>No provision.</p>	<p>Requires each physician who prescribes puberty-blocking drugs or cross-sex hormones to annually report to the Ohio Department of Health (ODH) by March 1 all of the following information:</p> <ul style="list-style-type: none"> <li>▪ The number of minors for whom the physician prescribed the drugs or hormones in the previous year;</li> <li>▪ The biological sex of the minors prescribed the drugs or hormones in the previous year and the age when treatment with the drugs or hormones began;</li> <li>▪ The names of the drugs or hormones prescribed in the previous year;</li> <li>▪ The average quantity of the drugs or hormones prescribed by the physician in the previous year;</li> </ul>

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	<ul style="list-style-type: none"> <li>▪ The number of therapeutic and medical appointments attended by the minor before the physician recommended the drugs or hormones;</li> <li>▪ Any mental health conditions the minor was diagnosed with before being diagnosed with a gender-related condition;</li> <li>▪ If the minor received follow-up after being prescribed the drugs or hormones;</li> <li>▪ The number of minors who resumed identification with their biological sex;</li> <li>▪ The number of minors for whom the physician previously prescribed drugs or hormones who have not been prescribed those hormones or drugs for one year or more (<i>R.C. 3129.06(A)</i>).</li> </ul>
No provision.	Requires physicians to organize reported information by month, when appropriate ( <i>R.C. 3129.06(B)(1)</i> ).
No provision.	Prohibits a physician from reporting to ODH information that identifies or tends to identify any specific individual ( <i>R.C. 3129.06(B)(2)</i> ).
No provision.	Requires ODH to report to the General Assembly the information it receives from the prescribing physicians by June 1 each year ( <i>R.C. 101.68, not in the bill, 111.15, not in the bill, and 3129.06(C)</i> ).
No provision.	Permits the Director of Health to adopt rules relating to reporting, including rules that require additional information to be reported ( <i>R.C. 3129.06(D)</i> ).

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<b>Enforcement</b>	
<p>Specifies that providing gender transition procedures and services to a minor is considered unprofessional conduct and subject to professional discipline by a licensing entity (<i>R.C. 3129.08(A)</i>).</p>	<p>Similarly specifies that violating the bill's prohibitions and conditions on gender transition care is considered unprofessional conduct and subject to discipline by the State Medical Board (<i>R.C. 3129.05(A)</i>).</p>
<p>Authorizes the Attorney General to bring an action to enforce compliance with the bill's provisions (<i>R.C. 3129.08(F)</i>).</p>	<p>Similarly authorizes the Attorney General to bring an action to enforce compliance with the bill's prohibitions and conditions on gender transition care (<i>R.C. 3129.05(C)</i>).</p>
<p>Authorizes a person to assert an actual or threatened violation of the bill's provisions as a claim or defense in a judicial or administrative proceeding and to obtain compensatory damages, injunctive relief, declaratory relief, or any other appropriate relief, regardless of whether the person has sought or exhausted available administrative remedies (<i>R.C. 3129.08(B) and (D)</i>).</p>	<p>No provision.</p>
<p>Requires a claim brought under the bill's provisions to be commenced not later than two years after the day the cause of action accrues, but upon a minor reaching the age of majority, allows the minor's individual claim to be brought until twenty years after. Also specifies that a minor may bring an action before reaching age 18 through the minor's parent or guardian (<i>R.C. 3129.08(C)</i>).</p>	<p>No provision.</p>
<p>Grants a prevailing party in any action or proceeding brought under the bill's provisions reasonable attorney's fees (<i>R.C. 3129.08(E)</i>).</p>	<p>No provision.</p>

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No provision.	Specifies that nothing in the bill is to be construed to preempt any private, common law cause of action ( <i>R.C. 3129.05(B)</i> ).
<b>Public funds and tax deductions</b>	
Prohibits public funds from being used, granted, paid, or distributed – directly or indirectly – to any entity, organization, or individual providing gender transition procedures or services to minors ( <i>R.C. 3129.06</i> ).	No provision.
Specifies that health care services furnished by or in the following must not include gender transition procedures and services for minors: a health care facility owned or operated by a state, county, or other local entity or a physician or other individual employed by a state, county, or other local government entity ( <i>R.C. 3129.06</i> ).	No provision.
Specifies that the following are not tax deductible: (1) any amount paid for a minor’s gender transition procedure or service and (2) any premium for health insurance that includes coverage of a minor’s gender transition procedure or service ( <i>R.C. 3129.06</i> ).	No provision.
<b>Health insurance and Medicaid</b>	
Prohibits a health insurance policy from including reimbursement for gender transition procedures for minors ( <i>R.C. 3129.07</i> ).	No provision.

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<p>Prohibits the Medicaid program from covering gender transition procedures for minors (<i>R.C. 3129.06</i>).</p>	<p>Similarly prohibits the Medicaid program from covering gender transition services for minors and clarifies that the bill does not prohibit Medicaid coverage for the following:</p> <ul style="list-style-type: none"><li>▪ The treatment of disorders of sex development;</li><li>▪ The treatment of infections, injuries, diseases, or disorders that were caused by or exacerbated by the performance of gender transition services;</li><li>▪ Mental health services provided for a gender-related condition;</li><li>▪ Any services that are not gender transition services (<i>R.C. 3129.07</i>).</li></ul>

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<b>School staff – prohibited activities</b>	
<p>Prohibits a nurse, counselor, teacher, principal, or other official or staff at a public or private school from doing the following:</p> <ul style="list-style-type: none"> <li>▪ Encouraging or coercing a minor to withhold from the minor’s parent or legal guardian the fact that the minor’s perception of his or her gender is inconsistent with his or her sex;</li> <li>▪ Withholding from a minor’s parent or legal guardian information related to the minor’s perception that his or her gender is inconsistent with his or her sex (<i>R.C. 3129.05</i>).</li> </ul>	No provision.
<b>Severability</b>	
Includes a severability clause, specifying that if any provision or its application is held invalid, that invalidity does not affect the bill’s other provisions or applications that can be given effect without the invalid provision or application ( <i>Section 3</i> ).	No provision, but existing law specifies that if any provision of the Revised Code or its application is held invalid, the invalidity does not affect other provisions or applications that can be given effect without the invalid provision or application ( <i>R.C. 1.50, not in the bill</i> ).
<b>Designation</b>	
Designates the act as the “Save Adolescents from Experimentation (SAFE) Act” ( <i>Section 2</i> ).	No provision.