

AMENDMENTS TO LB933

Introduced by Kauth, 31.

1 1. Insert the following new sections:

2 **Sec. 3.** Section 71-7301, Revised Statutes Cumulative Supplement,
3 2024, is amended to read:

4 71-7301 Sections 71-7301 to 71-7307 and section 8 of this act shall
5 be known and may be cited as the Let Them Grow Act.

6 **Sec. 4.** Section 71-7303, Revised Statutes Cumulative Supplement,
7 2024, is amended to read:

8 71-7303 For purposes of the Let Them Grow Act:

9 (1) Biological sex means the biological indication of male and
10 female in the context of reproductive potential or capacity, such as sex
11 chromosomes, naturally occurring sex hormones, gonads, and nonambiguous
12 internal and external genitalia present at birth, without regard to an
13 individual's psychological, chosen, or subjective experience of gender;

14 (2) Congenital defect means a physical or chemical abnormality
15 present in an individual younger than nineteen years of age that is
16 inconsistent with the normal development of a human being of such
17 individual's biological sex, including abnormalities caused by a
18 medically verifiable disorder of sex development. Congenital defect does
19 not include gender dysphoria, gender identity disorder, or any mental
20 condition;

21 (3) ~~(2)~~ Cross-sex hormones means testosterone or other androgens
22 given to biological females in amounts that are larger or more potent
23 than would normally occur naturally in healthy biological sex females and
24 estrogen given to biological males in amounts that are larger or more
25 potent than would normally occur naturally in healthy biological sex
26 males;

27 (4) ~~(3)~~ Gender means the psychological, behavioral, social, and

1 cultural aspects of being male or female;

2 (5) ~~(4)~~ Gender-altering surgery means any medical or surgical
3 service that seeks to surgically alter or remove healthy physical or
4 anatomical characteristics or features that are typical for the
5 individual's biological sex in order to instill or create physiological
6 or anatomical characteristics that resemble a sex different from the
7 individual's biological sex, including without limitation, genital or
8 nongenital gender-altering surgery performed for the purpose of assisting
9 an individual with a gender alteration;

10 (6) ~~(5)~~ Gender alteration means the process in which a person goes
11 from identifying with and living as a gender that corresponds to his or
12 her biological sex to identifying with and living as a gender different
13 from his or her biological sex and may involve social, legal, or physical
14 changes;

15 (7)(a) ~~(6)(a)~~ Gender-altering procedures includes any medical or
16 surgical service, including without limitation physician's services,
17 inpatient and outpatient hospital services, or prescribed drugs related
18 to gender alteration, that seeks to:

19 (i) Alter or remove physical or anatomical characteristics or
20 features that are typical for the individual's biological sex; or

21 (ii) Instill or create physiological or anatomical characteristics
22 that resemble a sex different from the individual's biological sex,
23 including without limitation medical services that provide puberty-
24 blocking drugs, cross-sex hormones, or other mechanisms to promote the
25 development of feminizing or masculinizing features in the opposite
26 biological sex, or genital or nongenital gender-altering surgery
27 performed for the purpose of assisting an individual with a gender
28 alteration;

29 (b) Gender-altering procedures does not include:

30 (i) Services to persons born with a medically verifiable disorder of
31 sex development, including a person with external biological sex

1 characteristics that are irresolvably ambiguous, such as those born with
2 46 XX chromosomes with virilization, 46 XY chromosomes with
3 undervirilization, or having both ovarian and testicular tissue;

4 (ii) Services provided when a health care practitioner has otherwise
5 diagnosed a disorder of sexual development that the health care
6 practitioner has determined, through genetic or biochemical testing, that
7 the person does not have normal sex-chromosome structure, sex-steroid
8 production, or sex-steroid hormone action;

9 (iii) The acute and chronic treatment of any infection, injury,
10 disease, or disorder that has been caused by or exacerbated by the
11 performance of a gender-altering procedure, whether or not the gender-
12 altering procedure was performed in accordance with state and federal
13 law; or

14 (iv) Any procedure undertaken because the individual suffers from a
15 physical disorder, physical injury, or physical illness that would, as
16 certified by the health care practitioner, place the individual in
17 imminent danger of death or impairment of major bodily function unless
18 surgery is performed;

19 (8) ~~(7)~~ Genital gender-altering surgery means a medical procedure
20 performed for the purpose of assisting an individual with a gender
21 alteration, including without limitation:

22 (a) Surgical procedures such as penectomy, orchiectomy,
23 vaginoplasty, clitoroplasty, or vulvoplasty for biologically male
24 patients or hysterectomy or ovariectomy for biologically female patients;

25 (b) Reconstruction of the fixed part of the urethra with or without
26 a metoidioplasty; or

27 (c) Phalloplasty, vaginectomy, scrotoplasty, or implantation of
28 erection or testicular prostheses for biologically female patients;

29 (9) ~~(8)~~ Health care practitioner means a person licensed or
30 certified under the Uniform Credentialing Act;

31 (10) ~~(9)~~ Puberty-blocking drugs means gonadotropin-releasing hormone

1 analogues or other synthetic drugs used in biological males to stop
2 luteinizing hormone secretion and therefore testosterone secretion, or
3 synthetic drugs used in biological females which stop the production of
4 estrogens and progesterone, when used to delay or suppress pubertal
5 development in children for the purpose of assisting an individual with a
6 gender alteration; ~~and~~

7 (11) ~~(10)~~ Nongenital gender-altering surgery means medical
8 procedures performed for the purpose of assisting an individual with a
9 gender alteration, including without limitation:

10 (a) Surgical procedures for biologically male patients, such as
11 voice surgery or thyroid cartilage reduction; or

12 (b) Surgical procedures for biologically female patients, such as
13 subcutaneous mastectomy or voice surgery; ~~and~~ -

14 (12) Telehealth has the same meaning as in section 38-120.01.

15 **Sec. 5.** Section 71-7304, Revised Statutes Cumulative Supplement,
16 2024, is amended to read:

17 71-7304 (1) Except as provided in the Let Them Grow Act and the
18 rules and regulations adopted and promulgated pursuant to the act, a
19 health care practitioner shall not perform gender-altering procedures in
20 this state, including via telehealth to an individual located in this
21 state, for an individual younger than nineteen years of age.

22 (2) The intentional and knowing performance of gender-altering
23 procedures by a health care practitioner for an individual younger than
24 nineteen years of age in violation of subsection (1) of this section
25 shall be considered unprofessional conduct as defined in section 38-179.

26 (3) This section does not apply to the continuation of treatment
27 using puberty-blocking drugs, cross-sex hormones, or both when the course
28 of treatment began before October 1, 2023, and concluded on or before
29 January 1, 2027.

30 (4) This section does not apply to nonsurgical gender-altering
31 procedures when such procedures are provided:

1 (a) Prior to the effective date of this act in compliance with the
2 rules and regulations adopted and promulgated pursuant to subsection (1)
3 of section 71-7305; or -

4 (b) On and after the effective date of this act in compliance with
5 subsection (2) of section 71-7305.

6 **Sec. 6.** Section 71-7305, Revised Statutes Cumulative Supplement,
7 2024, is amended to read:

8 71-7305 (1) Except as provided in subsection (2) of this section,
9 the ~~The~~ chief medical officer as designated in section 81-3115 shall
10 adopt and promulgate such rules and regulations as are necessary to
11 provide for nonsurgical gender-altering procedures for individuals
12 younger than nineteen years of age, such as puberty-blocking drugs,
13 cross-sex hormones, or both. Such rules and regulations shall be
14 consistent with the Let Them Grow Act and, at a minimum, include the
15 following:

16 (a) Specify that a health care practitioner may prescribe approved
17 puberty-blocking drugs, cross-sex hormones, or both to an individual
18 younger than nineteen years of age if such individual has a long-lasting
19 and intense pattern of gender nonconformity or gender dysphoria which
20 began or worsened at the start of puberty;

21 (b) Specific criteria, obligations, or conditions regulating the
22 administration, prescribing, delivery, sale, or use of puberty-blocking
23 drugs, cross-sex hormones, or both involving an individual younger than
24 nineteen years of age in accordance with subdivision (1)(a) of this
25 section, which shall, at a minimum, set forth the following:

26 (i) The minimum number of gender-identity-focused therapeutic hours
27 required prior to an individual receiving puberty-blocking drugs, cross-
28 sex hormones, or both;

29 (ii) Patient advisory requirements necessary for a health care
30 practitioner to obtain informed patient consent;

31 (iii) Patient medical record documentation requirements to ensure

1 compliance with the act; and

2 (iv) A minimum waiting period between the time the health care
3 practitioner obtains informed patient consent and the administration,
4 prescribing, or delivery of puberty-blocking drugs, cross-sex hormones,
5 or both to such patient; and

6 (c) Specify that section 71-7304 does not apply to nonsurgical
7 gender-altering procedures when such procedures are provided in
8 compliance with the rules and regulations adopted and promulgated
9 pursuant to this section.

10 (2)(a) Beginning on and after the effective date of this act, a
11 health care practitioner shall not knowingly prescribe for or provide to
12 an individual in this state younger than nineteen years of age cross-sex
13 hormones or puberty-blocking drugs for the purpose of assisting the
14 individual with a gender alteration.

15 (b) A health care practitioner does not violate this subsection if:

16 (i) The cross-sex hormones or puberty-blocking drugs were prescribed
17 for or provided to an individual in this state younger than nineteen
18 years of age to treat the individual's congenital defect, precocious
19 puberty, disease, or physical injury; or

20 (ii) The cross-sex hormones or puberty-blocking drugs were
21 prescribed for or provided to an individual in this state younger than
22 nineteen years of age in compliance with the Let Them Grow Act and the
23 rules and regulations adopted and promulgated pursuant to subsection (1)
24 of this section and such treatment concluded on or before January 1,
25 2027.

26 (c) For purposes of subdivision (2)(b) of this section, disease does
27 not include any gender nonconformity, gender dysphoria, gender identity
28 disorder, or mental condition.

29 (d) The chief medical officer as designated in section 81-3115 shall
30 adopt and promulgate such rules and regulations as necessary to carry out
31 this subsection.

1 ~~(3)~~ ~~(2)~~ The Department of Health and Human Services may adopt and
2 promulgate rules and regulations not inconsistent with the rules and
3 regulations adopted and promulgated by the chief medical officer that are
4 necessary to carry out the Let Them Grow Act.

5 **Sec. 7.** Section 71-7307, Revised Statutes Cumulative Supplement,
6 2024, is amended to read:

7 71-7307 (1) An individual that received a gender-altering procedure
8 in violation of section 71-7304 after October 1, 2023, and while such
9 individual was younger than nineteen years of age, or the parent or
10 guardian of such an individual, may bring a civil action for appropriate
11 relief against the health care practitioner who performed the gender-
12 altering procedure. Appropriate relief in an action under this section
13 includes actual damages and reasonable attorney's fees. An action under
14 this section shall be brought within two years after discovery of
15 damages.

16 (2) If a court in any civil action brought pursuant to this section
17 finds that a health care practitioner knowingly violated section 71-7304,
18 the court shall notify the Attorney General and the Department of Health
19 and Human Services by mailing a certified copy of the court's order to
20 the Attorney General and the department. Notification pursuant to this
21 subsection shall be made upon the judgment of the court being made final.

22 **Sec. 8.** (1) The Attorney General may bring an action against a
23 health care practitioner that knowingly violates the Let Them Grow Act,
24 within twenty years of the violation, to (a) enjoin further violations
25 and (b) recover a civil penalty of twenty-five thousand dollars per
26 violation.

27 (2) Each time a health care practitioner performs a gender-altering
28 procedure, including each instance of prescribing or providing cross-sex
29 hormones and puberty-blocking drugs in violation of the Let Them Grow
30 Act, constitutes a separate violation.

31 (3) Any civil penalties collected pursuant to this section shall be

1 remitted to the State Treasurer for distribution in accordance with
2 Article VII, section 5, of the Constitution of Nebraska.
3 2. Renumber the remaining section and correct the repealer
4 accordingly.