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**HOUSE BILL NO. 2405**

Offered January 13, 2025

Prefiled January 8, 2025

*A BILL to amend the Code of Virginia by adding in Title 32.1 a chapter numbered 21, consisting of sections numbered 32.1-376, 32.1-377, and 32.1-378, relating to prohibition of gender reassignment surgery on individuals younger than 18 years of age.*

Patrons—Griffin, Earley, Cordoza, Green and Williams

Referred to Committee on Rules

**Be it enacted by the General Assembly of Virginia:**

**1. That the Code of Virginia is amended by adding in Title 32.1 a chapter numbered 21, consisting of sections numbered 32.1-376, 32.1-377, and 32.1-378, as follows:**

**CHAPTER 21.****PROHIBITION OF GENDER REASSIGNMENT SURGERY ON INDIVIDUALS YOUNGER THAN 18 YEARS OF AGE.****§ 32.1-376. Definitions.**

*As used in this chapter, unless the context requires a different meaning:*

*"Biological sex" means the biological indication of male and female in the context of reproductive potential or capacity, such as 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.*

*"Gender" means the psychological, behavioral, social, and cultural aspects of being male or female.*

*"Gender reassignment surgery" means any medical or surgical service that seeks to surgically alter or remove healthy physical or anatomical characteristics or features that are typical for the individual's biological sex in order to instill or create physiological or anatomical characteristics that resemble a sex different from the individual's biological sex, including genital or nongenital gender reassignment surgery performed for the purpose of assisting an individual with a gender transition.*

*"Gender transition" means the process in which an individual goes from identifying with and living as a gender that corresponds to the individual's biological sex to identifying with and living as a gender different from such individual's biological sex, which process may involve social, legal, or physical changes.*

*"Genital gender reassignment surgery" means a medical procedure performed for the purpose of assisting an individual with a gender transition, including:*

*1. Surgical procedures such as penectomy, orchiectomy, vaginoplasty, clitoroplasty, or vulvoplasty for biologically male patients or hysterectomy or oophorectomy for biologically female patients;*

*2. Reconstruction of the fixed part of the urethra with or without a metoidioplasty; or*

*3. Phalloplasty, vaginectomy, scrotoplasty, or implantation of erection or testicular prostheses for biologically female patients.*

*"Health care professional" means an individual who is licensed, certified, or otherwise authorized by the laws of the Commonwealth to administer health care in the ordinary course of the practice of his profession.*

*"Nongenital gender reassignment surgery" means medical procedures performed for the purpose of assisting an individual with a gender transition, including:*

*1. Surgical procedures for biologically male patients such as augmentation mammoplasty, facial feminization surgery, liposuction, lipofilling, voice surgery, thyroid cartilage reduction, gluteal augmentation, hair reconstruction, or various aesthetic procedures; or*

*2. Surgical procedures for biologically female patients such as subcutaneous mastectomy, voice surgery, liposuction, lipofilling, pectoral implants, or various aesthetic procedures.*

*"Physician" means a person who is licensed to practice medicine in the Commonwealth.*

**§ 32.1-377. Prohibition of gender reassignment surgery for minors.**

*A. A physician or other health care professional shall not provide gender reassignment surgery to any individual younger than 18 years of age.*

*B. A physician or other health care professional shall not refer any individual younger than 18 years of age to any other physician or health care professional for gender reassignment surgery.*

*C. A physician or other health care professional may provide any of the following procedures to an individual younger than 18 years of age:*

*1. Services to individuals born with a medically verifiable disorder of sex development, including an individual with external biological sex characteristics that are irresolvably ambiguous, such as a person born with 46,XX with virilization, with 46,XY with undervirilization, or having both ovarian and testicular tissue;*

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59 2. Services provided when a physician has otherwise diagnosed a disorder of sexual development or a  
60 physician has determined through genetic or biochemical testing that an individual does not have normal sex  
61 chromosome structure, sex steroid hormone production, or sex steroid hormone action;

62 3. The treatment of any infection, injury, disease, or disorder that has been caused by or exacerbated by  
63 the performance of gender transition procedures, whether or not the gender transition procedure was  
64 performed in accordance with state and federal law, or whether or not funding for the gender transition  
65 procedure is permissible under this chapter; or

66 4. Any procedure undertaken because the individual suffers from a physical disorder, physical injury, or  
67 physical illness that would, as certified by a physician, place the individual in imminent danger of death or  
68 impairment of major bodily function unless surgery is performed.

69 **§ 32.1-378. Enforcement.**

70 A. Any referral for or provision of gender reassignment surgery to an individual younger than 18 years of  
71 age is unprofessional conduct and is subject to discipline by the appropriate licensing entity or disciplinary  
72 review board with competent jurisdiction in the Commonwealth.

73 B. An individual may assert an actual or threatened violation of this chapter as a claim or defense in a  
74 judicial or administrative proceeding and obtain compensatory damages, injunctive relief, declaratory relief,  
75 or any other appropriate relief.

76 C. An individual shall bring a claim for a violation of this chapter no later than two years after the date  
77 the cause of action accrues.

78 D. An individual younger than 18 years of age may bring an action under this chapter throughout the  
79 individual's minority through a parent or next friend and may bring an action in his own name upon reaching  
80 majority at any time from that point until 20 years after reaching 18 years of age.

81 E. Notwithstanding any other provision of law, an action under this chapter may be commenced, and  
82 relief may be granted, in a judicial proceeding without regard to whether the individual commencing the  
83 action has sought or exhausted available administrative remedies.

84 F. In any action or proceeding to enforce a provision of this chapter, a prevailing party who establishes a  
85 violation of this chapter shall recover reasonable attorney fees.

86 G. The Attorney General may bring an action to enforce compliance with this chapter.

87 H. This chapter does not deny, impair, or otherwise affect any right or authority of the Attorney General,  
88 the Commonwealth, or any agency, officer, or employee of the state, acting under any law other than this  
89 chapter, to institute or intervene in any proceeding.