

JAN 17 2025

A BILL FOR AN ACT

RELATING TO HEALTH.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. The legislature finds that persons born with
2 variations in their physical sex characteristics in the United
3 States are subject to medical practices that can inflict
4 irreversible physical and psychological harm on them starting in
5 infancy, harms that can last throughout their lives. Many of
6 these procedures are done with the stated aim of making it
7 easier for children to grow up "normal" and integrate more
8 easily into society by helping them conform to a particular sex
9 assignment. The results are often catastrophic as the supposed
10 benefits are largely unproven, and there are generally no urgent
11 health considerations at stake.

12 The legislature further finds that persons with variations
13 in their physical sex characteristics, many of whom identify
14 with the term "intersex", are subjected to nonemergency
15 surgeries and justified by generalized assumptions about
16 people's preferences about their bodies' appearance and
17 function. These assumptions perpetuate gender stereotypes and



1 may not reflect an individual's actual preferences when the
2 individual is capable of articulating the individual's wishes.

3 The legislature recognizes that leading pediatric hospitals
4 have begun to institute partial bans on these surgeries on
5 patients who are too young to participate in a meaningful
6 discussion of the implications of these surgeries.

7 The legislature also recognizes the importance of ensuring
8 the bodily autonomy of persons in Hawaii, including those who
9 are trans or gender nonconforming and are born with variations
10 in their sex characteristics.

11 The legislature hereby finds and declares that the State
12 has a compelling interest in protecting the physical and
13 psychological well-being of children, including those born with
14 variations in their physical sex characteristics. The enactment
15 of legislation is necessary to safeguard the bodily autonomy of
16 people born with variations in their physical sex
17 characteristics and to ensure patient-centered care that
18 conforms with best practices in the medical profession.

19 Accordingly, the purpose of this Act is to prohibit the
20 performance of certain procedures on individuals born with
21 variations in their physical sex characteristics who are under



1 one year of age, unless the procedure is a surgery required to
2 address an immediate risk of physical harm.

3 SECTION 2. Chapter 453, Hawaii Revised Statutes, is
4 amended by adding a new section to be appropriately designated
5 and to read as follows:

6 "§453- Prohibited procedures on infants. (a) No
7 physician or surgeon shall authorize or perform the following
8 procedures on an individual born with variations in the
9 individual's physical sex characteristics who is under one year
10 of age, unless the procedure is a surgery required to address an
11 immediate risk of physical harm:

- 12 (1) Clitoroplasty, clitoral reduction, and clitoral
13 recession, including corporal-sparing procedures;
14 (2) Gonadectomy;
15 (3) Any procedure that lengthens or reroutes a urethra
16 from its native orifice; or
17 (4) Vaginoplasty, urogenital sinus mobilization, and
18 vaginal exteriorization.

19 (b) As used in this section:

20 "Individual born with variations in the individual's
21 physical sex characteristics" means an individual born with



1 physical traits, including genitals, gonads, hormone function,
2 or chromosomal patterns, that vary from stereotypical notions
3 regarding the development, appearance, or function of sex
4 characteristics, including those variations resulting from
5 androgen insensitivity syndrome and congenital adrenal
6 hyperplasia.

7 "Surgery required to address an immediate risk of physical
8 harm" means any of the following:

- 9 (1) Surgery to remove tissue that poses a significant
10 heightened clinical risk of malignancy relative to
11 that of the general population;
- 12 (2) Surgery to allow urine to exit the body, to treat
13 urinary incontinence, or to make a minimally invasive
14 adjustment to urinary function in order to decrease a
15 risk of infection or renal complication in a patient
16 whose current urinary function puts them at a
17 demonstrated clinical risk of infection or renal
18 complication;
- 19 (3) Surgery that is required to treat complications of a
20 previous surgery and cannot be delayed without
21 increasing physical health risks to the patient; and



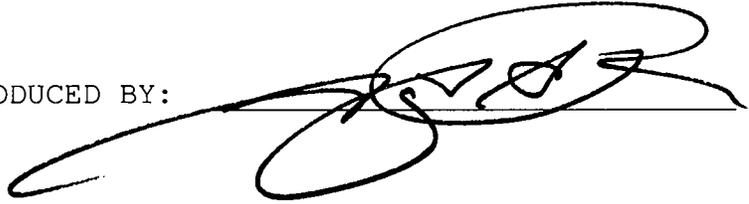
1 (4) Any other surgery necessary to preserve life in the
2 event of a medical emergency."

3 SECTION 3. New statutory material is underscored.

4 SECTION 4. This Act shall take effect on July 1, 2025.

5

INTRODUCED BY:

A large, stylized handwritten signature in black ink, written over a horizontal line. The signature is highly cursive and difficult to decipher, but appears to contain the letters 'S', 'A', and 'D'.

S.B. NO. 873

Report Title:

Prohibition; Procedures; Individuals Born with Variations in Physical Sex Characteristics; Infants

Description:

Prohibits physicians and surgeons from performing certain procedures on individuals born with variations in their physical sex characteristics who are under one year of age, unless the procedure is a surgery required to address an immediate risk of physical harm.

The summary description of legislation appearing on this page is for informational purposes only and is not legislation or evidence of legislative intent.

