

JAN 17 2025

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# 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



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

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

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



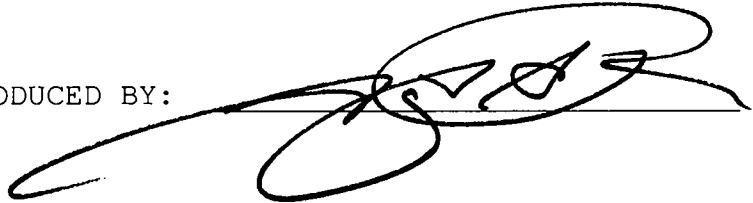
1        (4) Any other surgery necessary to preserve life in the  
2        event of a medical emergency."

3        SECTION 3. New statutory material is underscored.

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

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INTRODUCED BY:

A large, stylized handwritten signature in black ink, written over a horizontal line. The signature is cursive and appears to be the name of the person introducing the bill.

# 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.*

