

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2023

**H.B. 808**  
**Apr 18, 2023**  
**HOUSE PRINCIPAL CLERK**

H

D

HOUSE BILL DRH10383-NB-161

Short Title: Youth Health Protection Act. (Public)

Sponsors: Representative Blackwell.

Referred to:

1 A BILL TO BE ENTITLED  
2 AN ACT TO PROTECT MINORS FROM ADMINISTRATION OF PUBERTY BLOCKERS  
3 AND CROSS-SEX HORMONES AND OTHER RELATED ACTIONS, PROCEDURES,  
4 AND TREATMENTS.

5 Whereas, the State of North Carolina has a compelling government interest protecting  
6 the health and safety of its citizens, especially vulnerable children; and

7 Whereas, the sex of a person is the biological state of being female or male, based on  
8 sex organs, chromosomes, and endogenous hormone profiles, and is genetically encoded into a  
9 person at the moment of conception, and it cannot be changed; and

10 Whereas, some individuals, including minors, may experience discordance between  
11 their sex and their internal sense of identity, and individuals who experience severe psychological  
12 distress as a result of this discordance may be diagnosed with gender dysphoria; and

13 Whereas, the cause of the individual's impression of discordance between sex and  
14 identity is unknown, and the diagnosis is based exclusively on the individual's self-report of  
15 feelings and beliefs; and

16 Whereas, this internal sense of discordance is not permanent or fixed, but to the  
17 contrary, numerous studies have shown that a substantial majority of children who experience  
18 discordance between their sex and identity will outgrow the discordance once they go through  
19 puberty and will eventually have an identity that aligns with their sex; and

20 Whereas, as a result, taking a "wait-and-see" approach to children who reveal signs  
21 of gender nonconformity results in a large majority of those children resolving to an identity  
22 congruent with their sex by late adolescence; and

23 Whereas, some in the medical community are aggressively pushing for interventions  
24 on minors that medically alter the child's hormonal balance and remove healthy external and  
25 internal sex organs when the child expresses a desire to appear as a sex different from his or her  
26 own; and

27 Whereas, this course of treatment for minors commonly begins with encouraging and  
28 assisting the child to socially transition to dressing and presenting as the opposite sex. In the case  
29 of prepubertal children, as puberty begins, doctors then administer long-acting GnRH agonist  
30 (puberty blockers) that suppress the pubertal development of the child. This use of puberty  
31 blockers for gender nonconforming children is experimental and not FDA-approved; and

32 Whereas, after puberty blockade, the child is later administered "cross-sex" hormonal  
33 treatments that induce the development of secondary sex characteristics of the other sex, such as  
34 causing the development of breasts and wider hips in male children taking estrogen and greater  
35 muscle mass, bone density, body hair, and a deeper voice in female children taking testosterone.  
36 Some children are administered these hormones independent of any prior pubertal blockade; and





- 1           (2)   Medical professional. – Any physician, surgeon, physician assistant, nurse,  
2           clinical nurse specialist, nurse practitioner, anesthetist, psychiatrist, or  
3           medical assistant licensed under this Chapter.
- 4           (3)   Mental health care professional or counselor. – Any licensed medical, mental  
5           health, or human services professional licensed under this Chapter, including  
6           any psychologist, social worker, psychiatric nurse, allied mental health and  
7           human services professional, licensed marriage and family therapist, certified  
8           rehabilitation counselor, licensed clinical mental health counselor, or any of  
9           their respective interns or trainees, or any other person designated or licensed  
10           as a mental health or human service professional.
- 11           (4)   Minor. – Any individual who is below 18 years of age.
- 12           (5)   Political subdivision. – Any division of local government, county, city,  
13           assessment district, municipal corporation, special purpose district, board,  
14           department, commission, or any division of local government delegated the  
15           right to exercise part of the sovereign power of that subdivision.
- 16           (6)   Sex. – The biological state of being female or male, based on sex organs,  
17           chromosomes, and endogenous hormone profiles, without regard to an  
18           individual's psychological, chosen, or subjective experience of gender.

19   **§ 90-21.141. Prohibition of certain practices and health care services.**

20           (a)   Notwithstanding any other provision of law, it shall be unlawful for any medical  
21           professional or mental health care professional or counselor to knowingly engage in any of the  
22           following practices upon a minor, or cause them to be performed for the purpose of attempting  
23           to alter the appearance of or affirm the minor's perception of his or her gender or sex, if that  
24           appearance or perception is inconsistent with the minor's sex:

- 25           (1)   Performing surgeries that sterilize, including castration, vasectomy,  
26           hysterectomy, oophorectomy, orchiectomy, or penectomy.
- 27           (2)   Performing surgeries that artificially construct tissue with the appearance of  
28           genitalia that differs from the individual's sex, including metoidioplasty,  
29           phalloplasty, and vaginoplasty.
- 30           (3)   Performing a mastectomy.
- 31           (4)   Prescribing, administering, or supplying gonadotropin releasing hormone  
32           analogues or other synthetic drugs used to stop luteinizing hormone and  
33           follicle stimulating hormone secretion, synthetic antiandrogen drugs used to  
34           block the androgen receptor, or any drug to suppress or delay normal puberty.
- 35           (5)   Prescribing, administering, or supplying testosterone, estrogen, or  
36           progesterone to a minor in an amount greater than would normally be  
37           produced endogenously in a healthy individual of that individual's age and  
38           sex.
- 39           (6)   Removing any otherwise healthy or nondiseased body part or tissue.

40           (b)   It shall be unlawful for any medical professional or mental health care professional  
41           or counselor to knowingly engage in conduct that aids or abets the practices described in  
42           subsection (a) of this section to a minor. This section may not be construed to impose liability on  
43           any speech protected by federal or State law.

44           (c)   A medical professional or mental health care professional or counselor who engages  
45           in any of the practices identified in subsection (a) of this section or causes them to be performed  
46           shall be considered to have engaged in unprofessional conduct and shall be subject to revocation  
47           of licensure for a minimum of one year and other appropriate discipline by the medical  
48           professional's licensing or certifying board. The medical professional shall also be subject to a  
49           civil penalty of up to one thousand dollars (\$1,000) per occurrence. The clear proceeds of civil  
50           penalties provided for in this subsection shall be remitted to the Civil Penalty and Forfeiture Fund  
51           in accordance with G.S. 115C-457.2.

1       (d)    This section does not apply to any of the following:

2           (1)   The good-faith medical decision of a parent or guardian of a minor born with  
3           a medically verifiable genetic disorder of sexual development, including any  
4           of the following:

5           a.    A minor with external biological sex characteristics that are  
6           irresolvably ambiguous, such as a minor born having 46 XX  
7           chromosomes with virilization, 46 XY chromosomes with  
8           under-virilization, or having both ovarian and testicular tissue.

9           b.    When a physician has otherwise diagnosed a disorder of sexual  
10           development, in which the physician has determined through genetic  
11           testing that the minor does not have the normal sex chromosome  
12           structure, sex steroid hormone production, or sex steroid hormone  
13           action for male or female sexes.

14          (2)    The treatment of any infection, disease, or disorder that has been caused or  
15           exacerbated by the performance of a procedure described in subsection (a) of  
16           this section, whether or not the procedures were performed in accordance with  
17           State or federal law.

18          (3)    Any procedure undertaken because an individual suffers from a physical  
19           disorder, physical injury, or physical illness that is certified by a physician and  
20           that would place the individual in imminent danger of death or impairment of  
21           major bodily function unless surgery is performed.

22          (e)    Notwithstanding any other provision of law, it shall be unlawful for any health care  
23           provider, as defined in G.S. 90-21.11, that receives State funds to furnish, provide, or perform  
24           any health care service that constitutes the performance of or preparation for a gender transition  
25           procedure to a minor.

26    **"§ 90-21.142. Counseling.**

27           A State office, agency, political subdivision of the State or local government, or any  
28           organization with authority to license or discipline the members of a profession may not prohibit,  
29           impose any penalty, or take any adverse action against any individual who gives or receives  
30           counsel, advice, guidance, or any other speech or communication, whether described as therapy  
31           or provided for a fee, consistent with conscience or religious belief.

32    **"§ 90-21.143. Protection of parental rights.**

33           (a)    Parents, guardians, or custodians, in exercising the fundamental right to care for their  
34           child, may withhold consent for any treatment, activity, or mental health care services that are  
35           designed and intended to form their child's conceptions of sex and gender or to treat gender  
36           dysphoria or gender nonconformity. The State, its agents, and political subdivisions shall not  
37           infringe upon or impede the exercise of this right under this section.

38           (b)    No government agent, nor any employee of this State, any political subdivision of this  
39           State, or any other governmental entity, except for law enforcement personnel, shall encourage  
40           or coerce a minor to withhold information from the minor's parent. Nor shall any such employee  
41           withhold from a minor's parents information that is relevant to the physical or mental health of  
42           their child and of a sort that parents interested in and responsible for the well-being of a minor  
43           reasonably would demand and should be apprised of. Such conduct shall be grounds for  
44           discipline of the employee, in addition to any other remedies provided to a parent under this  
45           Article.

46           (c)    If a government agent has knowledge that a minor under its care or supervision has  
47           exhibited symptoms of gender dysphoria, gender nonconformity, or otherwise demonstrates a  
48           desire to be treated in a manner incongruent with the minor's sex, the government agent or entity  
49           with knowledge of that circumstance shall immediately notify, in writing, each of the minor's  
50           parents, guardians, or custodians. The notice shall describe all of the relevant circumstances with  
51           reasonable specificity.

**"§ 90-21.144. Whistleblower protection.**

(a) No person shall be discriminated against in any manner because the person does any of the following:

(1) Provided, caused to be provided, or takes steps to provide or cause to be provided to his or her employer, the Attorney General, any State agency, the United States Department of Health and Human Services, or any other federal agency any information or an act or omission that is a violation of any provision of this Article.

(2) Testified or prepared to testify in a proceeding concerning a violation of this Article.

(3) Assisted or participated in a proceeding concerning a violation of this Article.

(b) Unless a disclosure or report of information is specifically prohibited by law, no person shall be discriminated against in any manner because the person disclosed any information under this Article that the person believes evinces any of the following:

(1) Any violation of law, rule, or regulation.

(2) Any violation of any standard of care or other ethical guidelines for the provision of any health care service.

(3) Gross mismanagement, a gross waste of funds, an abuse of authority, or a substantial and specific danger to public health or safety.

**"§ 90-21.145. Civil remedies.**

(a) A civil action for compensatory or special damages, injunctive relief, or any other relief available under law may be brought by any person for any violation of any provision of this Article against the clinic, health care system, medical professional, or other person responsible for the violation.

(b) Any party aggrieved or harmed by any violation of this Article shall be required to bring suit for violation of this Article no later than two years after the day the cause of action accrued. Minors injured by practices prohibited under this Article may bring an action during their minority through a parent and may bring an action in their own name upon reaching majority at any time from that date until 20 years from the date the minor attained the age of majority.

(c) Persons who prevail on a claim brought pursuant to this section shall be entitled, upon the finding of a violation, to recover the following:

(1) Monetary damages, including all psychological, emotional, and physical harm suffered.

(2) Total costs of the action and reasonable attorneys' fees.

(3) Any other appropriate relief.

(d) Standing to assert a claim or defense under this section shall be governed by the general rules of standing.

**"§ 90-21.146. Preemption.**

(a) A political subdivision of this State is preempted from enacting, adopting, maintaining, or enforcing any order, ordinance, rule, regulation, policy, or other similar measure that prohibits, restricts, limits, controls, directs, or otherwise interferes with the professional conduct and judgment of a mental health care professional or counselor, including speech, undertaken within the course of treatment and communication with clients, patients, other persons, or the public, including therapies, counseling, referrals, and education.

(b) The Attorney General or a mental health care professional or counselor may bring an action for an injunction to prevent or restrain violations of this section. A mental health care professional may recover reasonable costs and attorneys' fees incurred in obtaining an injunction under this section.

(c) Sovereign and governmental immunity to suit and from liability is waived and abolished to the extent of the liability created by this section."

1           **SECTION 1.(b)** Article 6 of Chapter 143C of the General Statutes is amended by  
2 adding a new section to read:

3 **"§ 143C-6-5.6. Limitation on use of State funds for gender transition procedures.**

4           No State funds may be used, directly or indirectly, for the performance of or in furtherance  
5 of gender transition procedures or to support the administration of any governmental health plan  
6 or government-offered insurance policy offering gender transition procedures."

7           **SECTION 2.** G.S. 90-21.5 reads as rewritten:

8 **"§ 90-21.5. Minor's Emancipated minor consent sufficient for certain–medical health**  
9 **services.**

10           ~~(a) Subject to subsection (a1) of this section, any minor may give effective consent to a~~  
11 ~~physician licensed to practice medicine in North Carolina for medical health services for the~~  
12 ~~prevention, diagnosis and treatment of (i) venereal disease and other diseases reportable under~~  
13 ~~G.S. 130A-135, (ii) pregnancy, (iii) abuse of controlled substances or alcohol, and (iv) emotional~~  
14 ~~disturbance. This section does not authorize the inducing of an abortion, performance of a~~  
15 ~~sterilization operation, or admission to a 24-hour facility licensed under Article 2 of Chapter~~  
16 ~~122C of the General Statutes except as provided in G.S. 122C-223. This section does not prohibit~~  
17 ~~the admission of a minor to a treatment facility upon his own written application in an emergency~~  
18 ~~situation as authorized by G.S. 122C-223.~~

19           ~~(a1) Notwithstanding any other provision of law to the contrary, a health care provider~~  
20 ~~shall obtain written consent from a parent or legal guardian prior to administering any vaccine~~  
21 ~~that has been granted emergency use authorization and is not yet fully approved by the United~~  
22 ~~States Food and Drug Administration to an individual under 18 years of age.~~

23           ~~(b) Any minor who is emancipated may consent to any medical treatment, dental and~~  
24 ~~health services for himself or for his child."~~

25           **SECTION 3.** If any provision of this act or its application is held invalid, the  
26 invalidity does not affect other provisions or applications of this act that can be given effect  
27 without the invalid provisions or application and, to this end, the provisions of this act are  
28 severable.

29           **SECTION 4.** This act becomes effective October 1, 2023.