

311.372 Prohibition on treatments to a minor for purpose of..., KY ST § 311.372

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KeyCite Yellow Flag - Negative Treatment

Unconstitutional or Preempted Negative Treatment Vacated by *L. W. by and through Williams v. Skrmetti*, 6th Cir.(Tenn.), Sep. 28, 2023

Baldwin's Kentucky Revised Statutes Annotated

Title XXVI. Occupations and Professions

Chapter 311. Physicians, Osteopaths, Podiatrists, and Related Medical Practitioners (Refs & Annos)

General Provisions

KRS § 311.372

311.372 Prohibition on treatments to a minor for purpose of attempting to alter the appearance or perception of the minor's sex; exceptions; penalties

Effective: June 29, 2023

[Currentness](#)

(1) As used in this section:

(a) “Minor” means any person under the age of eighteen (18) years; and

(b) “Sex” means the biological indication of male and female as evidenced by sex chromosomes, naturally occurring sex hormones, gonads, and nonambiguous internal and external genitalia present at birth.

(2) Except as provided in subsection (3) of this section, a health care provider shall not, for the purpose of attempting to alter the appearance of, or to validate a minor's perception of, the minor's sex, if that appearance or perception is inconsistent with the minor's sex, knowingly:

(a) Prescribe or administer any drug to delay or stop normal puberty;

(b) Prescribe or administer testosterone, estrogen, or progesterone, in amounts greater than would normally be produced endogenously in a healthy person of the same age and sex;

(c) Perform any sterilizing surgery, including castration, hysterectomy, oophorectomy, orchiectomy, penectomy, and vasectomy;

(d) Perform any surgery that artificially constructs tissue having the appearance of genitalia differing from the minor's sex, including metoidioplasty, phalloplasty, and vaginoplasty; or

(e) Remove any healthy or non-diseased body part or tissue.

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- (3) The prohibitions of subsection (2) this section shall not limit or restrict the provision of services to:
- (a) A minor born with a medically verifiable disorder of sex development, including external biological sex characteristics that are irresolvably ambiguous;
  - (b) A minor diagnosed with a disorder of sexual development, if a health care provider has determined, through genetic or biochemical testing, that the minor does not have a sex chromosome structure, sex steroid hormone production, or sex steroid hormone action, that is normal for a biological male or biological female; or
  - (c) A minor needing treatment for an infection, injury, disease, or disorder that has been caused or exacerbated by any action or procedure prohibited by subsection (2) of this section.
- (4) If a licensing or certifying agency for health care providers finds, in accordance with each agency's disciplinary and hearing process, that a health care provider who is licensed or certified by the agency has violated subsection (2) of this section, the agency shall revoke the health care provider's licensure or certification.
- (5) Any civil action to recover damages for injury suffered as a result of a violation of subsection (2) of this section may be commenced before the later of:
- (a) The date on which the person reaches the age of thirty (30) years; or
  - (b) Within three (3) years from the time the person discovered or reasonably should have discovered that the injury or damages were caused by the violation.
- (6) If a health care provider has initiated a course of treatment for a minor that includes the prescription or administration of any drug or hormone prohibited by subsection (2) of this section, and if the health care provider determines and documents in the minor's medical record that immediately terminating the minor's use of the drug or hormone would cause harm to the minor, the health care provider may institute a period during which the minor's use of the drug or hormone is systematically reduced.

**Credits**

HISTORY: 2023 c 132, § 4, eff. 6-29-23

**Editors' Notes**

**VALIDITY**

<For validity of this section, see [Doe 1 v. Thornbury, ---F.Supp.3d--- \(W.D. KY 2023\) 2023 WL 4230481.](#)>

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Notes of Decisions (1)

KRS § 311.372, KY ST § 311.372

Current through the 2023 Regular Session and the Nov. 8, 2022 election. Some sections may be more current, see credits for details.

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