



February 9, 2023

HOUSE BILL No. 1569

DIGEST OF HB 1569 (Updated February 8, 2023 1:19 pm - DI 106)

Citations Affected: IC 11-10.

Synopsis: Restrictions on DOC provision of gender therapy. Provides that the department of correction may not authorize the payment of any money, the use of any state resources, or the payment of any federal money administered by the state to provide or facilitate the provision of sexual reassignment surgery to an offender patient.

Effective: July 1, 2023.

Mayfield, King

January 19, 2023, read first time and referred to Committee on Courts and Criminal Code.
February 9, 2023, amended, reported — Do Pass.

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February 9, 2023

First Regular Session of the 123rd General Assembly (2023)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2022 Regular Session of the General Assembly.

HOUSE BILL No. 1569

A BILL FOR AN ACT to amend the Indiana Code concerning corrections.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 11-10-3-1 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 1. ~~As used in~~ **The**
3 **following definitions apply throughout** this chapter:

4 **(1) "Offender patient" means an individual incarcerated at a**
5 **facility operated by the department.**

6 **(2) "Physician" means an individual holding a license to practice**
7 **medicine in Indiana, issued by the medical licensing board of**
8 **Indiana, or a medical officer of the United States government who**
9 **is in Indiana performing his official duties.**

10 **(3) "Psychiatrist" means a physician who is certified or board**
11 **qualified by the American Board of Psychiatry and Neurology, or**
12 **a board with equivalent standards approved by the American**
13 **Osteopathic Association.**

14 **(4) "Psychologist" means an individual holding a valid certificate**
15 **to practice psychology in Indiana, issued by the state psychology**
16 **board.**

17 **(5) "Qualified medical personnel" means individuals engaged in**

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1 the delivery of a medical or health care service who have been
 2 licensed, certified, or otherwise properly qualified under the laws
 3 of Indiana applicable to that particular service.

4 **(6) "Sexual reassignment surgery" means performing any of**
 5 **the following surgical procedures for the purpose of**
 6 **attempting to alter the appearance of, or affirm the offender**
 7 **patient's perception of, his or her gender or sex, if that**
 8 **appearance or perception is inconsistent with the offender**
 9 **patient's sex:**

10 (A) Surgeries that sterilize, including castration,
 11 vasectomy, hysterectomy, oophorectomy, orchiectomy, and
 12 penectomy.

13 (B) Surgeries that artificially construct tissue with the
 14 appearance of genitalia that differs from the offender
 15 patient's sex, including metoidioplasty, phalloplasty, and
 16 vaginoplasty.

17 (C) Removing any healthy or non-diseased body part or
 18 tissue.

19 SECTION 2. IC 11-10-3-3.5 IS ADDED TO THE INDIANA CODE
 20 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
 21 1, 2023]: **Sec. 3.5. (a) The department may not authorize the**
 22 **payment of any money, the use of any state resources, or the**
 23 **payment of any federal money administered by the state to provide**
 24 **or facilitate sexual reassignment surgery to an offender patient.**

25 (b) This section does not apply to offender patients approved by
 26 the department for sexual reassignment surgery prior to July 1,
 27 2023.



COMMITTEE REPORT

Mr. Speaker: Your Committee on Courts and Criminal Code, to which was referred House Bill 1569, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 4 through 9.

Page 1, line 10, delete "(2)" and insert "(1)".

Page 1, line 11, delete "department who:" and insert "**department.**".

Page 1, delete lines 12 through 16.

Page 1, line 17, delete "(3)" and insert "(2)".

Page 2, line 4, delete "(4)" and insert "(3)".

Page 2, line 8, delete "(5)" and insert "(4)".

Page 2, line 11, delete "(6)" and insert "(5)".

Page 2, delete lines 15 through 20, begin a new line block indented and insert:

"(6) "Sexual reassignment surgery" means performing any of the following surgical procedures for the purpose of attempting to alter the appearance of, or affirm the offender patient's perception of, his or her gender or sex, if that appearance or perception is inconsistent with the offender patient's sex:

(A) Surgeries that sterilize, including castration, vasectomy, hysterectomy, oophorectomy, orchiectomy, and penectomy.

(B) Surgeries that artificially construct tissue with the appearance of genitalia that differs from the offender patient's sex, including metoidioplasty, phalloplasty, and vaginoplasty.

(C) Removing any healthy or non-diseased body part or tissue."

Page 2, line 23, after "Sec. 3.5." insert "(a)".

Page 2, line 25, delete "facilitate the" and insert "**facilitate**".

Page 2, line 26, delete "provision of hormonal therapy or".

Page 2, after line 27, begin a new paragraph and insert:

"(b) This section does not apply to offender patients approved by the department for sexual reassignment surgery prior to July 1, 2023."

and when so amended that said bill do pass.

(Reference is to HB 1569 as introduced.)

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MCNAMARA

Committee Vote: yeas 10, nays 3.

