

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 668

BY STATE AFFAIRS COMMITTEE

AN ACT

RELATING TO PUBLIC FUNDS FOR GENDER TRANSITION; PROVIDING LEGISLATIVE INTENT; AMENDING TITLE 18, IDAHO CODE, BY THE ADDITION OF A NEW CHAPTER 89, TITLE 18, IDAHO CODE, TO ESTABLISH PROVISIONS PROHIBITING THE USE OF PUBLIC FUNDS FOR GENDER TRANSITION PROCEDURES; AMENDING CHAPTER 2, TITLE 56, IDAHO CODE, BY THE ADDITION OF A NEW SECTION 56-270, IDAHO CODE, TO ESTABLISH PROVISIONS PROHIBITING THE USE OF PUBLIC FUNDS FOR GENDER TRANSITION PROCEDURES; PROVIDING SEVERABILITY; AND DECLARING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.

Be It Enacted by the Legislature of the State of Idaho:

SECTION 1. LEGISLATIVE INTENT. The Legislature finds that the surgical operations and medical procedures described in section 18-1506C(3), Idaho Code, when used for purposes of altering the appearance of an individual in order to affirm the individual's perception of the individual's sex in a way that is inconsistent with the individual's biological sex, carry substantial risks and have known harmful effects, including irreversible physical alterations and, in some cases, sterility and lifelong sexual dysfunction.

SECTION 2. That Title 18, Idaho Code, be, and the same is hereby amended by the addition thereto of a NEW CHAPTER, to be known and designated as Chapter 89, Title 18, Idaho Code, and to read as follows:

CHAPTER 89  
NO PUBLIC FUNDS FOR GENDER TRANSITION

18-8901. USE OF PUBLIC FUNDS FOR GENDER TRANSITION PROCEDURES PROHIBITED. (1) For the purposes of this section, "exempted surgical operations or medical interventions" means a surgical operation or medical intervention that is:

- (a) Necessary to the health of the person on whom it is performed and is performed by a person licensed in the place of its performance as a medical practitioner, except that a surgical operation or medical intervention is never necessary to the health of the minor or adult on whom it is performed if it is for the purpose of altering the appearance of an individual in order to affirm the individual's perception of the individual's sex in a way that is inconsistent with the individual's biological sex;
- (b) For the treatment of any infection, injury, disease, or disorder that has been caused or exacerbated by the performance of gender transition procedures, whether or not the procedures were performed in accordance with state and federal law; or
- (c) Performed in accordance with the good faith medical decision of a parent or guardian of a child or an adult born with a medically verifiable genetic disorder of sex development, including:

1 (i) A person with external biological sex characteristics that  
2 are ambiguous and irresolvable, such as a person born having 46, XX  
3 chromosomes with virilization, 46, XY chromosomes with undervir-  
4 ilization, or with both ovarian and testicular tissue; or

5 (ii) When a physician has otherwise diagnosed a disorder of sexual  
6 development in which the physician has determined through genetic  
7 testing that the minor or adult does not have the normal sex chro-  
8 mosome structure, sex steroid hormone production, or sex steroid  
9 hormone action for a male or female.

10 (2) Public funds shall not be used, granted, paid, or distributed to any  
11 entity, organization, or individual for the provision or subsidy of any sur-  
12 gical operation or medical intervention described in section 18-1506C(3),  
13 Idaho Code, for purposes of altering the appearance of an individual in order  
14 to affirm the individual's perception of the individual's sex in a way that  
15 is inconsistent with the individual's biological sex regardless of whether  
16 the surgical operation or medical intervention is administered to a minor or  
17 an adult, except for exempted surgical operations or medical interventions.

18 (3) Any amount paid by an entity, organization, or individual during a  
19 taxable year for the provision of surgical operations or medical interven-  
20 tions described in section 18-1506C(3), Idaho Code, for purposes of altering  
21 the appearance of an individual in order to affirm the individual's percep-  
22 tion of the individual's sex in a way that is inconsistent with the individ-  
23 ual's biological sex regardless of whether the surgical operation or medi-  
24 cal intervention is administered to a minor or an adult shall not be tax-de-  
25 ductible, except exempted surgical operations or medical interventions.

26 (4) The Idaho medicaid program shall not reimburse or provide coverage  
27 for the use of the surgical operations or medical interventions described  
28 in section 18-1506C(3), Idaho Code, for purposes of altering the appearance  
29 of an individual in order to affirm the individual's perception of the indi-  
30 vidual's sex in a way that is inconsistent with the individual's biological  
31 sex regardless of whether the surgical operation or medical intervention is  
32 administered to a minor or an adult, except exempted surgical operations or  
33 medical interventions.

34 (5) No physician or other health care professional in the course and  
35 scope of employment by the state or a county or local government may pro-  
36 vide the surgical operations or medical interventions described in section  
37 18-1506C(3), Idaho Code, for purposes of altering the appearance of an in-  
38 dividual in order to affirm the individual's perception of the individual's  
39 sex in a way that is inconsistent with the individual's biological sex re-  
40 gardless of whether the surgical operation or medical intervention is admin-  
41 istered to a minor or an adult, except exempted surgical operations or medi-  
42 cal interventions.

43 (6) No state property, facility, or building may be used to provide  
44 the surgical operations or medical interventions described in section  
45 18-1506C(3), Idaho Code, for purposes of altering the appearance of an  
46 individual in order to affirm the individual's perception of the individ-  
47 ual's sex in a way that is inconsistent with the individual's biological  
48 sex regardless of whether the surgical operation or medical intervention is  
49 administered to a minor or an adult, except exempted surgical operations or  
50 medical interventions.

1 (7) Any intentional violation of the provisions of this chapter by a  
2 public officer or public employee shall be considered a misuse of public mon-  
3 eys punishable pursuant to section 18-5702, Idaho Code.

4 SECTION 3. That Chapter 2, Title 56, Idaho Code, be, and the same is  
5 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
6 ignated as Section 56-270, Idaho Code, and to read as follows:

7 56-270. PROHIBITION ON REIMBURSEMENT AND COVERAGE. (1) Pursuant to  
8 chapter 89, title 18, Idaho Code, the Idaho medicaid program shall not reim-  
9 burse or provide coverage for any surgical operation or medical intervention  
10 described in section 18-1506C(3), Idaho Code, for purposes of altering the  
11 appearance of an individual in order to affirm the individual's perception  
12 of the individual's sex in a way that is inconsistent with the individual's  
13 biological sex regardless of whether the surgical operation or medical in-  
14 tervention is administered to a minor or an adult, except exempted surgical  
15 operations or medical interventions described in section 18-8901(1), Idaho  
16 Code.

17 (2) The department of health and welfare and any other state agency who  
18 provides medicaid services shall promulgate rules, subject to legislative  
19 approval, directing medicaid provider agreements to contain certifications  
20 that no public funds have been used in violation of section 18-8901, Idaho  
21 Code.

22 SECTION 4. SEVERABILITY. The provisions of this act are hereby declared  
23 to be severable and if any provision of this act or the application of such  
24 provision to any person or circumstance is declared invalid for any reason,  
25 such declaration shall not affect the validity of the remaining portions of  
26 this act.

27 SECTION 5. An emergency existing therefor, which emergency is hereby  
28 declared to exist, this act shall be in full force and effect on and after  
29 July 1, 2024.