

The Senate Committee on Health and Human Services offered the following substitute to HB 1170:

A BILL TO BE ENTITLED  
AN ACT

1 To amend Titles 31 and 43 of the Official Code of Georgia Annotated, relating to health and  
2 professions and businesses, respectively, so as to provide for best health practices and for  
3 protections of the health of minors and adults in this state; to provide for definitions; to  
4 provide for educational resources, guidelines, policy, training, and immunity relative to  
5 opioid antagonists; to require that certain buildings maintain and make accessible opioid  
6 antagonists; to prohibit prescribing or administering certain hormone therapies and puberty  
7 blocking medications for certain purposes to minors; to repeal exceptions; to provide for  
8 related matters; to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

11 Title 31 of the Official Code of Georgia Annotated, relating to health, is amended by adding  
12 a new Code section to read as follows:

13 "31-2A-20.

14 (a) As used in this Code section, the term:

15 (1) 'Automated external defibrillator' shall have the same meaning as set forth in Code

16 Section 31-11-53.1.

17 (2) 'Courthouse' means a building occupied by judicial courts and containing rooms in  
18 which judicial proceedings are held, provided that such building contains an automated  
19 external defibrillator.

20 (3) 'Government entity' means any state board, commission, agency, or department, or  
21 the governing authority of any county, municipality, or consolidated government, but  
22 such term shall not include local school systems, public schools, charter schools, or  
23 university buildings.

24 (4) 'Opioid antagonist' shall have the same meaning as set forth in Code  
25 Section 26-4-116.2.

26 (5) 'Opioid related overdose' shall have the same meaning as set forth in Code  
27 Section 26-4-116.2.

28 (6) 'Qualified government building' means a building in which a government entity is  
29 housed or meets in its official capacity, including the portion occupied by a government  
30 entity of any building that is not publicly owned, provided that such building contains an  
31 automated external defibrillator.

32 (7) 'University building' means any building which forms a part of the University System  
33 of Georgia, including any college or university under the government, control, and  
34 management of the Board of Regents of the University System of Georgia, or any  
35 building under the control of the State Board of the Technical College System of Georgia.

36 (b) The department shall consult with the Department of Behavioral Health and  
37 Developmental Disabilities and may consult with any other medical, clinical, or peer  
38 support professionals or organizations it deems appropriate to identify and develop  
39 educational resources and guidelines on opioid related overdoses. The department shall  
40 develop a model training and implementation policy for opioid antagonist administration.  
41 All such educational resources and guidelines and the model training and implementation  
42 policy shall be maintained in a prominent manner on the department's principal public  
43 website.

44 (c) All qualified government buildings and courthouses shall:

45 (1) Maintain a supply of at least three unit doses of opioid antagonists; and

46 (2) Ensure that such supply of opioid antagonists is available and accessible during  
47 regular business hours and outside of regular business hours for all government entity  
48 events.

49 (d) A government entity may make opioid antagonists accessible during government entity  
50 events that occur on property that is not publicly owned.

51 (e) No one employee, officer, agent, contractor, or other individual shall be solely  
52 responsible for providing training pursuant to subsection (f) of this Code section for any  
53 government entity.

54 (f)(1) Every government entity that is based in or operates out of a qualified government  
55 building shall establish and implement an internal training and implementation policy for  
56 opioid antagonist administration. Such policy may be based on the model training and  
57 implementation policy developed by the department pursuant to subsection (b) of this  
58 Code section. Each such government entity shall be authorized to receive and administer  
59 grants, gifts, contracts, moneys, and donations for the purpose of implementing this Code  
60 section.

61 (2) Each internal training and implementation policy provided for in paragraph (1) of this  
62 subsection shall:

63 (A) Provide details about how an individual can access opioid antagonist  
64 administration training;

65 (B) Specify the location or locations of the government entity's supply of opioid  
66 antagonists;

67 (C) Contain an affirmative statement that any trained individual may administer an  
68 opioid antagonist to any person whom the trained individual believes in good faith to  
69 be experiencing an opioid related overdose; and

70 (D) Contain the following statement: 'Georgia law provides that any trained individual  
71 shall be immune from civil liability or professional discipline for any good faith act or  
72 omission to act in the emergency administration of an opioid antagonist to a person  
73 believed to be having an opioid related overdose.'

74 (g) All employees, officers, agents, and contractors of government entities and all other  
75 individuals who receive training pursuant to subsection (f) of this Code section shall be  
76 immune from civil liability or professional discipline for any good faith act or omission to  
77 act related to the emergency administration of an opioid antagonist pursuant to this Code  
78 section. Good faith shall not include willful misconduct, gross negligence, or recklessness.

79 (h) Notwithstanding any law to the contrary, funds appropriated or otherwise made  
80 available to a government entity may be used to comply with the requirements of this Code  
81 section by such government entity.

82 (i) A government entity shall not be subject to civil liability for damages for any failure  
83 to provide an automated external defibrillator or opioid antagonist pursuant to this Code  
84 section."

85

## SECTION 2.

86 Said title is further amended by revising Code Section 31-7-3.5, relating to treatment of  
87 minors for gender dysphoria and penalty for violations, as follows:

88 "31-7-3.5.

89 (a) As used in this Code section, the term:

90 (1) 'Hormone therapy' means treatment that adds, blocks, or removes hormones for the  
91 purpose of assisting a minor with attempting to alter the minor's sex or to alter the  
92 appearance of or affirm the minor's perception of his or her gender or sex if such  
93 appearance or perception is inconsistent with the minor's sex. Such term includes but is  
94 not limited to the provision of, whether biological, bioidentical, or synthetic,

95 supraphysiologic estrogen or progesterone to a minor who is a biological male or  
96 supraphysiologic testosterone to a minor who is a biological female.

97 (2) 'Puberty blocking medication' means medication used to delay or suppress pubertal  
98 development in a minor for the purpose of assisting such minor with attempting to alter  
99 the minor's sex or to alter the appearance of or affirm the minor's perception of his or her  
100 gender or sex if such appearance or perception is inconsistent with the minor's sex. Such  
101 term includes gonadotropin-releasing hormone analogues or other synthetic drugs used  
102 in biological males to stop luteinizing hormone secretion and therefore testosterone  
103 production and synthetic drugs used in biological females to stop the production of  
104 estrogen and progesterone.

105 (3) 'Sex' means the biological state of being male or female, in the context of  
106 reproductive potential or capacity, based on the individual's sex organs, chromosomes,  
107 naturally occurring sex hormones, gonads, and internal and external genitalia present at  
108 birth, including secondary sex characteristics, without regard to an individual's  
109 psychological, chosen, or subjective experience of gender.

110 (4) 'Sex reassignment surgery' means any surgical procedure that seeks to surgically alter  
111 or remove healthy or nondiseased physical or anatomical characteristics or features that  
112 are typical for an individual's sex in order to instill or create physiological or anatomical  
113 characteristics that resemble a sex different from a minor's sex. Such term means genital  
114 or nongenital surgery performed for the purpose of assisting a minor with attempting to  
115 alter the minor's sex or to alter the appearance of or affirm the minor's perception of his  
116 or her gender or sex if such appearance or perception is inconsistent with the minor's sex  
117 and includes but is not limited to castration, clitorrectomy, clitoroplasty, hysterectomy,  
118 mammoplasty, mastectomy, metoidioplasty, oophorectomy, orchiectomy, penectomy,  
119 phalloplasty, vaginectomy, vaginoplasty, vasectomy, and vulvoplasty.

120 (a)(b) Except as provided in subsection (b) (c) of this Code section, none of the following  
121 irreversible procedures or irreversible or reversible therapies shall be performed on a ~~minor~~

122 ~~for the treatment of gender dysphoria~~ or prescribed or administered to a minor if such  
 123 procedure or therapy is performed, prescribed, or administered for the purpose of  
 124 attempting to alter a minor's sex or to alter the appearance of or affirm the minor's  
 125 perception of his or her gender or sex if such appearance or perception is inconsistent with  
 126 the minor's sex in an institution licensed pursuant to this article:

127 (1) Sex reassignment surgeries, or any other surgical procedures, that are performed for  
 128 the purpose of altering primary or secondary ~~sexual~~ sex characteristics; or

129 (2) Hormone ~~replacement~~ therapies that are prescribed or administered for the purpose  
 130 of altering primary or secondary sex characteristics or puberty blocking medications that  
 131 are prescribed or administered for the purpose of delaying or suppressing puberty.

132 ~~(b)(c)~~ The provisions of subsection ~~(a)~~ (b) of this Code section shall not apply to treatment  
 133 provided pursuant to an exception contained in subsection ~~(b)~~ (c) of Code  
 134 Section 43-34-15.

135 ~~(c)~~(d) The department shall establish sanctions, by rule and regulation, for violations of  
 136 this Code section up to and including the revocation of an institution's permit issued  
 137 pursuant to Code Section 31-7-3.

138 (e) Nothing in this Code section shall preclude a parent or guardian of a minor on or to  
 139 whom a procedure or therapy is performed, prescribed, or administered in violation of this  
 140 Code section from seeking civil or criminal remedy under any other provision of law."

141 **SECTION 3.**

142 Title 43 of the Official Code of Georgia Annotated, relating to professions and businesses,  
 143 is amended by revising Code Section 43-34-15, relating to prohibition on certain therapies  
 144 and procedures for treatment of gender dysphoria in minors, regulations, exceptions, and  
 145 accountability, as follows:

146 "43-34-15.

147 (a) As used in this Code section, the term:

148 (1) 'Hormone therapy' means treatment that adds, blocks, or removes hormones for the  
149 purpose of assisting a minor with attempting to alter the minor's sex or to alter the  
150 appearance of or affirm the minor's perception of his or her gender or sex if such  
151 appearance or perception is inconsistent with the minor's sex. Such term includes but is  
152 not limited to the provision of, whether biological, bioidentical, or synthetic,  
153 supraphysiologic estrogen or progesterone to a minor who is a biological male or  
154 supraphysiologic testosterone to a minor who is a biological female.

155 (2) 'Puberty blocking medication' means medication used to delay or suppress pubertal  
156 development in a minor for the purpose of assisting such minor with attempting to alter  
157 the minor's sex or to alter the appearance of or affirm the minor's perception of his or her  
158 gender or sex if such appearance or perception is inconsistent with the minor's sex. Such  
159 term includes gonadotropin-releasing hormone analogues or other synthetic drugs used  
160 in biological males to stop luteinizing hormone secretion and therefore testosterone  
161 production and synthetic drugs used in biological females to stop the production of  
162 estrogen and progesterone.

163 (3) 'Sex' means the biological state of being male or female, in the context of  
164 reproductive potential or capacity, based on the individual's sex organs, chromosomes,  
165 naturally occurring sex hormones, gonads, and internal and external genitalia present at  
166 birth, including secondary sex characteristics, without regard to an individual's  
167 psychological, chosen, or subjective experience of gender.

168 (4) 'Sex reassignment surgery' means any surgical procedure that seeks to surgically alter  
169 or remove healthy or nondiseased physical or anatomical characteristics or features that  
170 are typical for an individual's sex in order to instill or create physiological or anatomical  
171 characteristics that resemble a sex different from a minor's sex. Such term means genital  
172 or nongenital surgery performed for the purpose of assisting a minor with attempting to  
173 alter the minor's sex or to alter the appearance of or affirm the minor's perception of his  
174 or her gender or sex if such appearance or perception is inconsistent with the minor's sex

175 and includes but is not limited to castration, clitorrectomy, clitoroplasty, hysterectomy,  
 176 mammoplasty, mastectomy, metoidioplasty, oophorectomy, orchiectomy, penectomy,  
 177 phalloplasty, vaginectomy, vaginoplasty, vasectomy, and vulvoplasty.

178 ~~(a)(b)~~ Except as otherwise provided in subsection ~~(b)~~ (c) of this Code section, the  
 179 following irreversible procedures and irreversible or reversible therapies performed on a  
 180 minor for the treatment of gender dysphoria or prescribed or administered to a minor if  
 181 such procedure or therapy is performed or prescribed or administered for the purpose of  
 182 attempting to alter a minor's sex or alter the appearance of or affirm the minor's perception  
 183 of his or her gender or sex if that appearance or perception is inconsistent with the minor's  
 184 sex are prohibited in this state:

185 (1) Sex reassignment surgeries, or any other surgical procedures, that are performed for  
 186 the purpose of altering primary or secondary ~~sexual~~ sex characteristics; and

187 (2) Hormone ~~replacement~~ therapies that are prescribed or administered for the purpose  
 188 of altering primary or secondary sex characteristics or puberty blocking medications that  
 189 are prescribed or administered for the purpose of delaying or suppressing puberty.

190 ~~(b)(c)~~ The board shall adopt rules and regulations regarding the prohibitions contained in  
 191 subsection ~~(a)~~ (b) of this Code section, which shall contain limited exceptions for:

192 ~~(1) Treatments for medical conditions other than gender dysphoria or for the purpose of~~  
 193 ~~sex reassignment where such treatments are deemed medically necessary;~~

194 ~~(2)~~(1) Treatments for individuals born with a medically verifiable disorder of sex  
 195 development, including individuals born with ambiguous genitalia or chromosomal  
 196 abnormalities resulting in ambiguity regarding the individual's ~~biological~~ sex; and

197 ~~(3)~~(2) Treatments for individuals with partial androgen insensitivity syndrome; and

198 ~~(4) Continued treatment of minors who are, prior to July 1, 2023, being treated with~~  
 199 ~~irreversible hormone replacement therapies.~~

200 ~~(e)~~(d) A licensed physician who violates this Code section shall be held administratively  
 201 accountable to the board for such violation.



202 (e) Nothing in this Code section shall preclude a parent or guardian of a minor on or to  
203 whom a procedure or therapy is performed, prescribed, or administered in violation of this  
204 Code section from seeking civil or criminal remedy under any other provision of law."

205

**SECTION 4.**

206 All laws and parts of laws in conflict with this Act are repealed.