

**SECTION 1.** Chapter 12.1-36.1 of the North Dakota Century Code is created and enacted as follows:

**12.1-36.1-01. Definitions.**

As used in this chapter:

1. "Health care provider" means a licensed physician, physician assistant, nurse, or a certified medical assistant.
2. "Mental health professional" means:
  - a. A psychologist with at least a master's degree who has been either licensed or approved for exemption by the North Dakota board of psychology examiners;
  - b. A social worker with a master's degree in social work from an accredited program;
  - c. A registered nurse with a minimum of two years of psychiatric clinical experience under the supervision of an expert examiner;  
or
  - d. A licensed professional counselor with a master's degree in counseling from an accredited program who has either successfully completed the advanced training beyond the master's degree as required by the national academy of mental health counselors or a minimum of two years of clinical experience in a mental health agency or setting under the supervision of a psychiatrist or psychologist.
3. "Minor" means an individual under the age of eighteen. The term includes an emancipated individual.
4. "Pre-pubertal" means an individual who has not yet entered puberty, the period during which secondary sex characteristics start to develop.
5. "Puberty" means period of a minor's development during which secondary sex characteristics start to develop.

from Title 25  
Mental + Physical Illness/Disability

6. “Sex” means the biological state of being female or male, based on the individual’s nonambiguous sex organs, chromosomes, and endogenous hormone profiles at birth.

**12.1-36.1-02. Perception of a minor’s sex – Prohibited practices – Penalty.**

1. Except as provided under section 12.1-36.1-03, if a minor’s perception of the minor’s sex is inconsistent with the minor’s sex, a health care provider may not engage in any of the following practices for the purpose of changing or affirming the minor’s perception of the minor’s sex:

- a. Perform castration, vasectomy, hysterectomy, oophorectomy, metoidioplasty, orchiectomy, penectomy, phalloplasty, or vaginoplasty;
- b. Perform a mastectomy;
- c. Remove any otherwise healthy or nondiseased body part or tissue, except for a male circumcision;
- d. Prescribe supraphysiologic doses of testosterone to females; or
- e. Prescribe supraphysiologic doses of estrogen to males.

Minor  
↳ transition  
meds/procedures

2. Except as provided in Section 12.1-36.1-03, a health care provider may not prescribe puberty-blocking medication to any minor unless:

- a. The minor has received mental health care for at least twelve consecutive months prior, as documented by a mental health provider; and
- b. The minor has begun to experience puberty, as documented by a medical provider.

Minor  
↳ puberty  
blockers →

3. Except as provided in Section 12.1-36.1-03, a health care provider may not, for the purpose of changing the sex of a pre-pubertal, engage in prescribing, dispensing, administering or otherwise supplying any drug for the purpose of aligning the pre-pubertal’s sex with the pre-pubertal’s perception of the pre-pubertal’s sex when the perception is

Prepubertal (Minor)  
↳ no hormone  
treatment

inconsistent with the pre-pubertal's sex, including puberty-blocking medication to stop normal puberty.

4. A health care provider who willfully violates:

- a. Subdivisions a, b, or c of subsection 1 is guilty of a class B felony.
- b. Subdivisions d or e of subsection 1, subsection 2, or subsection 3 is guilty of an infraction.

**12.1-36.1-03. Exceptions.**

Section 12.1-36.1-02 does not apply:

1. To the good-faith medical decision of a parent or guardian of a minor born with a medically verifiable genetic disorder of sex development, including:
  - a. A minor with external biological sex characteristics that are irresolvably ambiguous, including having forty-six, XX chromosomes with virilization, forty-six SY chromosomes with undervirilization, or having both ovarian and testicular tissue; or
  - b. When a physician otherwise has diagnosed a disorder of sexual development in which the physician, through genetic testing, has determined the minor does not have the normal sex chromosome structure for a male or female; or
2. If performance or administration of the medical procedure on the minor began before the effective date of this Act.

**12.1-36.1-04. Statutory limitation.**

Notwithstanding the limitations of section 29-04-02, prosecution for a violation of section 12.1-36.1-02, prosecution for a violation of section 12.1-36.1-02 must be commenced within three years of the date of the offense or within three years after the offense is reported to law enforcement, whichever is later.

**SECTION 2. EMERGENCY.** This Act is declared to be an emergency measure.