

118TH CONGRESS
2D SESSION

S. 5424

To prohibit gender transition procedures on minors, to authorize the Secretary of Health and Human Services to impose civil penalties on persons who perform gender transition procedures on minors, and for other purposes.

IN THE SENATE OF THE UNITED STATES

DECEMBER 4, 2024

Mr. MARSHALL introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To prohibit gender transition procedures on minors, to authorize the Secretary of Health and Human Services to impose civil penalties on persons who perform gender transition procedures on minors, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Safeguarding The
5 Overall Protection of Minors Act” or the “STOP Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

1 (1) CROSS-SEX HORMONES.—The term “cross-
2 sex hormones” means—

3 (A) testosterone or other androgens given
4 to females at doses that are profoundly larger
5 or more potent than would normally occur natu-
6 rally in healthy females; and

7 (B) estrogen given to males at doses that
8 are profoundly larger or more potent than
9 would normally occur naturally in healthy
10 males.

11 (2) DETRANSITION.—The term “detransition”
12 means to halt or reverse gender transition proce-
13 dures, including exploration and seeking medical ad-
14 vice about reversing gender transition procedures.

15 (3) EMPLOYER.—The term “employer” includes
16 an individual or entity that engages a person in the
17 performance of work as an independent contractor.

18 (4) EMPLOYMENT.—The term “employment”
19 includes work as an independent contractor.

20 (5) FEMALE.—The term “female”, when used
21 to refer to a natural person, means an individual
22 who naturally has, had, will have, or would have, but
23 for a congenital anomaly or intentional or uninten-
24 tional disruption, the reproductive system that at

1 some point produces, transports, and utilizes eggs
2 for fertilization.

3 (6) GENDER.—

4 (A) IN GENERAL.—Subject to subpara-
5 graph (B), the term “gender,” when used alone
6 to refer to males, females, or the natural dif-
7 ferences between males and females—

8 (i) is a synonym for sex; and

9 (ii) shall not be considered a synonym
10 or short-hand expression for gender iden-
11 tity, experienced gender, gender expression,
12 or gender role.

13 (B) EXCEPTION.—Subparagraph (A) shall
14 not apply when the term “gender” is used in
15 conjunction with other words or as an adjective
16 to modify other words, or when context or ex-
17 plicit definition in law indicates otherwise.

18 (7) GENDER IDENTITY.—The term “gender
19 identity” does not mean sex or gender.

20 (8) GENDER TRANSITION.—The term “gender
21 transition” means the process in which an individual
22 goes from identifying with or presenting as his or
23 her sex to identifying with or presenting a self-pro-
24 claimed identity that does not correspond with or is

different from his or her sex, and may be accompanied with social, legal, or physical changes.

(9) GENDER TRANSITION PROCEDURE.—

(A) IN GENERAL.—The term “gender transition procedure” means any hormonal or surgical service that seeks—

(i) to alter or remove physical or anatomical characteristics or features that are typical for the individual’s sex, as determined by the sex organs, chromosomes, and endogenous profiles of the individual; or

(ii) to change the body of such individual to no longer correspond to their sex.

(B) INCLUSIONS.—The term “gender transition procedure” includes the following:

(i) Providing, prescribing, administering, dispensing, or otherwise conveying any of the following prescription drugs that induce transient or permanent infertility:

(I) Puberty suppression drugs or puberty-blocking drugs to stop or delay normal puberty.

1 (II) Cross-sex hormones, includ-
2 ing supraphysiologic doses of testos-
3 terone to females or supraphysiologic
4 doses of estrogen to males.

5 (ii) Genital gender transition surgery.

6 (iii) Non-genital gender transition
7 surgery.

8 (iv) The removal of any otherwise
9 healthy or non-diseased body part or tis-
10 sue.

11 (C) EXCLUSIONS.—The term “gender
12 transition procedure” does not include—

13 (i) services to individuals born with a
14 medically verifiable disorder of sex develop-
15 ment, including an individual with external
16 sex characteristics that are irresolvably
17 ambiguous, such as an individual born with
18 46 XX chromosomes with virilization, an
19 individual born with 46 XY chromosomes
20 with undervirilization, or an individual
21 born having both ovarian and testicular
22 tissue;

23 (ii) services provided when a physician
24 has otherwise diagnosed a disorder of sex-
25 ual development in which the physician has

1 determined through genetic or biochemical
2 testing that the individual does not have
3 normal sex chromosome structure, sex ster-
4 oid hormone production, or sex steroid hor-
5 mone action for a male or female;

6 (iii) the treatment of any infection, in-
7 jury, disease, or disorder that has been
8 caused by or exacerbated by the perform-
9 ance of gender transition procedures,
10 whether or not the gender transition proce-
11 dure was performed in accordance with
12 State and Federal law or whether or not
13 funding for the gender transition proce-
14 dure is permissible under this section;

15 (iv) any procedure undertaken be-
16 cause the individual suffers from a physical
17 disorder, physical injury, or physical illness
18 that would, as certified by a physician,
19 place the individual in imminent danger of
20 death or impairment of major bodily func-
21 tion, unless surgery or treatment is per-
22 formed for the purpose of a gender transi-
23 tion or for the alleviation of psychological,
24 physical, or mental distress;

(v) puberty suppression or blocking prescription drugs for the purpose of normalizing puberty for a minor experiencing precocious puberty; or

(vi) male circumcision.

(D) GENITAL GENDER TRANSITION SURGERY.—For purposes of subparagraph (B), the term “genital gender transition surgery” means a surgical procedure performed for the purpose of assisting an individual with a gender transition, including—

(i) for male patients, castration, a vasectomy, penectomy, orchiectomy, vaginoplasty, clitoroplasty, and vulvoplasty; and

(ii) for female patients, a mastectomy, hysterectomy/ovariectomy, reconstruction of the fixed part of the urethra with or without a metoidioplasty or a phalloplasty, vaginectomy, scrotoplasty, and implantation of erection or testicular prostheses.

(E) NON-GENITAL GENDER TRANSITION SURGERY.—For purposes of subparagraph (B), the term “non-genital gender transition surgery” means a surgical procedure performed for

the purpose of assisting an individual with a gender transition, including—

(i) for male patients, augmentation mammoplasty, facial feminization surgery, liposuction, lipofilling, voice surgery, thyroid cartilage reduction, gluteal augmentation (implants/lipofilling), hair reconstruction, and various aesthetic procedures; and

(ii) for female patients, subcutaneous mastectomy, voice surgery, liposuction, lipofilling, pectoral implants, and various aesthetic procedures.

(10) MALE.—The term “male”, when used to refer to a natural person, means an individual who naturally has, had, will have, or would have, but for a congenital anomaly or intentional or unintentional disruption, the reproductive system that at some point produces, transports, and utilizes sperm for fertilization.

(11) MINOR.—The term “minor” means an individual under the age of 18.

(12) PUBERTY-BLOCKING DRUGS.—The term “puberty-blocking drugs” means—

(A) gonadotropin-releasing hormone (GnRH) analogues or other synthetic drugs

used in males to stop luteinizing hormone secretion and therefore testosterone secretion; and

(B) synthetic drugs used in females that stop the production of estrogen and progesterone, when used to delay or suppress pubertal development in children for the purpose of assisting an individual with a gender transition.

(13) SECRETARY.—The term “Secretary” means the Secretary of Health and Human Services.

(14) SEX.—The term “sex”, when referring to an individual’s sex, means to refer to either male or female, as biologically determined and defined in this section.

SEC. 3. GENDER TRANSITION PROCEDURES ON MINORS.

(a) PROHIBITION.—

(1) IN GENERAL.—No person may, in any circumstance described in paragraph (2), knowingly perform, attempt to perform, conspire to perform, or provide a referral for any gender transition procedure on a minor.

(2) CIRCUMSTANCES DESCRIBED.—A circumstance referred to in paragraph (1) is any the following:

(A) The person, or the minor on whom the gender transition procedure was performed, at-

1 tempted to be performed, conspired to be per-
2 formed, or for whom a referral for any gender
3 transition procedure was provided, traveled in
4 interstate or foreign commerce, or traveled
5 using a means, channel, facility, or instrumen-
6 tality of interstate or foreign commerce, in fur-
7 therance of or in connection with the conduct
8 described in paragraph (1).

9 (B) The person, or the minor on whom the
10 gender transition procedure was performed, at-
11 tempted to be performed, conspired to be per-
12 formed, or for whom a referral for any gender
13 transition procedure was provided, used a
14 means, channel, facility, or instrumentality of
15 interstate or foreign commerce in furtherance of
16 or in connection with the conduct described in
17 paragraph (1).

18 (C) A payment of any kind was made, di-
19 rectly or indirectly, in furtherance of or in con-
20 nection with the conduct described in paragraph
21 (1), using any means, channel, facility, or in-
22 strumentality of interstate or foreign commerce
23 or in or affecting interstate or foreign com-
24 merce.

1 (D) The person, or the minor on whom the
2 gender transition procedure was performed, at-
3 tempted to be performed, conspired to be per-
4 formed, or for whom a referral for any gender
5 transition procedure was provided, transmitted
6 in interstate or foreign commerce any commu-
7 nication relating to or in furtherance of the
8 conduct described in paragraph (1) using any
9 means, channel, facility, or instrumentality of
10 interstate or foreign commerce or in or affect-
11 ing interstate or foreign commerce by any
12 means or in manner, including by computer,
13 mail, wire, or electromagnetic transmission.

14 (E) Any instrument, item, substance, or
15 other object that has traveled in interstate or
16 foreign commerce was used to perform the con-
17 duct described in paragraph (1).

18 (F) The conduct described in paragraph
19 (1) occurred within the special maritime and
20 territorial jurisdiction of the United States or
21 any territory or possession of the United States.

22 (G) The conduct described in paragraph
23 (1) otherwise occurred in or affected interstate
24 or foreign commerce.

1 (3) KNOWINGLY.—For purposes of paragraph
2 (1), a person acts knowingly when—

3 (A) the person has actual knowledge of the
4 facts giving rise to the violation; or

5 (B) a reasonable person acting in the cir-
6 cumstances and exercising reasonable care
7 would have that knowledge.

8 (4) APPLICATION TO EMPLOYERS.—

9 (A) IN GENERAL.—A violation of para-
10 graph (1) by a person acting in the scope of
11 their employment for an employer shall also be
12 considered a violation of such paragraph by
13 such employer.

14 (B) LIABILITY.—In the case of a violation
15 described in subparagraph (A), the person and
16 the employer shall be jointly and severally liable
17 for any civil penalty under subsection (b) and
18 any private right of action under subsection (c).

19 (b) CIVIL PENALTIES.—

20 (1) IN GENERAL.—The Secretary may impose a
21 civil penalty on any person upon making a deter-
22 mination, after written notice and an opportunity for
23 a hearing, that the person has violated a require-
24 ment of subsection (a)(1).

25 (2) AMOUNT OF CIVIL PENALTIES.—

1 (A) IN GENERAL.—The amount of a civil
 2 penalty under paragraph (1) shall be not less
 3 than \$100,000 for each violation.

4 (B) PENALTY CONSIDERATIONS.—In de-
 5 termining the amount of a civil penalty under
 6 this subsection, the Secretary shall consider—

7 (i) the nature, circumstances, extent,
 8 and gravity of the violation;

9 (ii) with respect to the violator, the
 10 degree of culpability, any history of prior
 11 violations, and any effect on the ability to
 12 continue to do business; and

13 (iii) other matters that justice re-
 14 quires.

15 (3) CIVIL ACTION TO COLLECT.—

16 (A) IN GENERAL.—The Attorney General
 17 may bring a civil action in an appropriate dis-
 18 trict court of the United States to collect a civil
 19 penalty under this subsection and any accrued
 20 interest on the civil penalty as assessed by the
 21 Secretary. In such a civil action, the amount
 22 and appropriateness of the civil penalty shall
 23 not be subject to review.

24 (B) COMPROMISE.—The Secretary may
 25 compromise the amount of a civil penalty im-

posed under this subsection before referral to the Attorney General under subparagraph (A), on the condition that such amount shall be not less than \$100,000.

(4) LIABILITY FOR PROCEDURES REQUIRED AS A MATTER OF STANDARD PRACTICE.—It shall not be a defense in a hearing under this subsection that gender transition procedures are required as a matter of standard practice.

(5) PROHIBITION ON IMPOSITION OF CIVIL PENALTY ON A PERSON ON WHOM PROCEDURES ARE PERFORMED.—No person on whom a gender transition procedure is performed in violation of subsection (a)(1), and no parent, guardian, or caretaker of such a person, may be held liable for a civil penalty under this subsection.

(6) DEPOSITING AMOUNTS COLLECTED.—

(A) IN GENERAL.—Amounts collected under this subsection shall be deposited in the fund established under subparagraph (B).

(B) ESTABLISHMENT OF FUND.—

(i) IN GENERAL.—There is established in the Treasury of the United States a fund, to be known as the “Justice for Victims Fund”, which shall consist of

1 amounts deposited in the fund pursuant to
 2 subparagraph (A).

3 (ii) AVAILABILITY OF FUNDS.—

4 Amounts in the fund established under
 5 clause (i) shall be made available for ex-
 6 penditure for fiscal year 2025 and each fis-
 7 cal year thereafter, without further appro-
 8 priation or fiscal year limitation for ex-
 9 penditure by the Secretary to carry out
 10 section 4.

11 (c) PRIVATE CIVIL ACTION.—A person on whom a
 12 gender transition procedure is performed in violation of
 13 subsection (a)(1), or the parent, guardian, or caretaker
 14 of such a person if such person is a minor, may bring
 15 a civil action in an appropriate district court of the United
 16 States for appropriate relief against any person in viola-
 17 tion of subsection (a)(1).

18 (d) PENALTY FOR OBSTRUCTION OF INVESTIGA-
 19 TIONS.—

20 (1) IN GENERAL.—The Secretary may impose a
 21 civil penalty on any person who obstructs or pre-
 22 vents the Secretary from carrying out an investiga-
 23 tion into an alleged violation of subsection (a)(1).

24 (2) DEFINITION OF OBSTRUCT.—In this sub-
 25 section, the term “obstruct” means to take an action

1 that was known, or reasonably should have been
 2 known, to prevent, hinder, or impede an investiga-
 3 tion.

4 (e) SEVERABILITY.—If any provision of this Act, or
 5 the application of such provision to any person or cir-
 6 cumstance, is held to be or made invalid, the remainder
 7 of this Act, and the application of the provision to any
 8 other person or circumstance, shall not be affected.

9 **SEC. 4. OPENING AVENUES FOR VICTIMS.**

10 (a) PURPOSE.—The purpose of this section is to sup-
 11 port, encourage, and assist individuals in their efforts to
 12 reverse gender transition procedures.

13 (b) ESTABLISHMENT OF GRANT PROGRAM.—The
 14 Secretary shall establish a grant program under which the
 15 Secretary shall award grants to eligible entities to carry
 16 out the activities described in subsection (d).

17 (c) ELIGIBILITY.—

18 (1) ELIGIBLE ENTITIES.—To be eligible for a
 19 grant under this section, an entity shall—

20 (A) be a nonprofit organization;

21 (B) support, encourage, and assist individ-
 22 uals in their efforts to reverse gender transition
 23 procedures;

1 (C) agree to be subject to such monitoring
2 and review as the Secretary may require under
3 subsection (g);

4 (D) agree to not charge individuals for
5 services provided through the grant;

6 (E) provide each individual counseled
7 through the grant with accurate information on
8 the proper medical procedures to reverse gender
9 transition procedures; and

10 (F) have a privacy policy and procedures
11 in place to ensure that—

12 (i) the name, address, telephone num-
13 ber, or any other information that might
14 identify any individual seeking services
15 supported through the grant is not made
16 public or shared with any other entity
17 without the written consent of the indi-
18 vidual; and

19 (ii) the grantee adheres to require-
20 ments comparable to those applicable
21 under the HIPAA privacy regulation (as
22 defined in section 1180(b)(3) of the Social
23 Security Act (42 U.S.C. 1320d–9(b)(3)))
24 to covered entities (as defined for purposes
25 of such regulation).

1 (2) INELIGIBLE ENTITIES.—An entity shall be
 2 ineligible to receive a grant under this section if the
 3 entity or any affiliate, subsidiary, successor, or clinic
 4 thereof—

5 (A) performs, induces, refers for, or coun-
 6 sels in favor of gender transition procedures; or

7 (B) provides financial support to any other
 8 entity that conducts any activity described in
 9 subparagraph (A).

10 (3) FINANCIAL RECORDS.—As a condition on
 11 receipt of a grant under this section, an eligible enti-
 12 ty shall agree to maintain and make available to the
 13 Secretary records, including financial records, that
 14 demonstrate that the entity satisfies the require-
 15 ments of paragraph (1) and is not ineligible by oper-
 16 ation of paragraph (2).

17 (d) USE OF GRANT FUNDS.—

18 (1) REQUIRED INFORMATION AND REFER-
 19 RAL.—For the purpose described in subsection (a),
 20 an eligible entity receiving a grant under this section
 21 shall use the grant funds to provide to individuals
 22 who are exploring detransition information on, and
 23 referral to, each of the following services:

24 (A) Medical advice and care.

25 (B) Nutritional services.

1 (C) Education and employment assistance,
 2 including services that support the continuation
 3 and completion of high school.

4 (D) Parenting education and support serv-
 5 ices.

6 (E) Voluntary substance abuse counseling
 7 and treatment.

8 (2) PERMISSIBLE DIRECT PROVISION OF SERV-
 9 ICES.—For the purpose described in subsection (a),
 10 in addition to using grant funds under this section
 11 as described in paragraph (1), an eligible entity re-
 12 ceiving a grant under this section may use the grant
 13 funds for the direct provision of one or more services
 14 described in paragraph (1).

15 (e) PROHIBITED USES OF FUNDS.—None of the
 16 funds made available under this section shall be used for
 17 gender transition procedures.

18 (f) CONSIDERATION.—In selecting the recipients of
 19 grants under this section, the Secretary shall consider
 20 each applicant’s demonstrated capacity in providing serv-
 21 ices to assist individuals who are exploring and seeking
 22 medical advice in their efforts to reverse gender transition
 23 procedures.

24 (g) MONITORING AND REVIEW.—The Secretary
 25 shall—

1 (1) monitor and review each program funded
2 through a grant under this section to ensure that
3 the grantee carefully adheres to—

4 (A) the purpose described in subsection
5 (a); and

6 (B) the requirements of this section; and

7 (2) cease to fund a program under this section
8 if the grantee fails to adhere to such purpose and re-
9 quirements.

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