

**ONE HUNDRED EIGHTH LEGISLATURE - FIRST SESSION - 2023**  
**COMMITTEE STATEMENT (CORRECTED)**  
**LB574**

---

**Hearing Date:** Wednesday February 08, 2023  
**Committee On:** Health and Human Services  
**Introducer:** Kauth  
**One Liner:** Adopt the Let Them Grow Act

---

**Roll Call Vote - Final Committee Action:**  
Advanced to General File

---

**Vote Results:**

<b>Aye:</b>	4	Senators Ballard, Hansen, B., Hardin, Riepe
<b>Nay:</b>	3	Senators Cavanaugh, M., Day, Walz
<b>Absent:</b>		
<b>Present Not Voting:</b>		

---

**Testimony:**

**Proponents:**

Senator Kathleen Kauth  
Scott Newgent  
Mario Presents Estrada  
Luka Hein  
Erin Brewer  
Cat Cattinson  
Atoa Vaiaso  
Tiffani Frost  
Greg Brown  
Jennifer Bauwens  
Jaime Dodge  
Jeanne Greisen  
Marion Miner  
Sue Greenwald  
Julia Emerson  
Jenna Derr  
Linda Vermooten  
Karen Bowling  
David Begley  
Jeanette Cooper  
Russ Barger  
Joseph Mulka  
Stephanie Johnson  
Paul Ehernberger  
Kathy Wilmot  
Doug Kagan

**Representing:**

Introducer  
Trevoices.org  
Gays Against Groomers  
Self  
Self  
Detransitioners  
Self  
Self  
Self  
Family Research Council  
Self  
Self  
Nebraska Catholic Conference  
Self  
Self  
Self  
Nebraska Family Alliance  
Self  
Partners for Ethical Care  
Self  
Self  
Nebraskans for Founders Values  
Self  
Nebraska Eagle Forum  
Nebraska Taxpayers for Freedom

---

Denise Bradshaw	Self
Michelle Bates	Self
Katherine Yohman	Self
Tracee Baker	Self
Thomas Morgan	Self
Dennis Scheis	Self
Elizabeth Davids	Self
Angie Klein	Self
Amber Parker	Self
Tiffany Carter	Self
Brenda McGill	Self
Kathy Adams	Self
Allie French	Self
Sherry Jones	Self
Kami Riley	Self
Marni Hodgen	Self
Angie Eberspacher	Self
Ashley Jarmin	Self
S. Wayne Smith	Self
Ward Greisen	Self
Richard W Riley	Self
Kathy Faucher	Self
Alexander Stephens	Self
Ben Tapper	Self
Ben Stangl	Self
Karen Anderson	Self
Aaron Gilliland	Self
Steve Davies	Self
Scott Thomas	Village in Progress
Brittany Holtmeyer	Self
Ben Wamberg	Self
Sara Fochs	Self

**Opponents:**

Josephine Vincent Litwinowicz  
Cait Smith  
Mike Hornacek  
Elizabeth Constance  
Jean Amoura  
Daniel Rosenquist  
Hannah Coffey  
Isabella Manhart  
Rachel Ogborn  
Alek Duncan  
Sarah Maresh  
Rev Dr E Scott Jones  
Ash Homan  
Camie Nitzel  
Elizabeth Weedin

**Representing:**

Self  
The Trevor Project  
Self  
American College of OBGYN  
Self  
Nebraska Medical Association  
Nebraska Psychological Association  
Self  
Self  
Self  
Nebraska Appleseed  
Nebraska Conference of the United Church of Christ  
Self  
Kindred Psychology  
Self

John McCollister	Self
Sheri Shuler	Self
Alex Dworak	One World Community Health Centers
Ross Manhart	Self
Meghan Sheehan	Self
Alex Hamric	Self
Lauren Maskin	Nebraska Chapter of the American Academy of Pediatrics
Jill Dibbern Manhart	Self
Shannon Godsil	Nebraska Chapter of the American Academy of Pediatrics
Natasha Gallett	Self
Shannon Haines	Self
Spencer Robinson	Self
Ronald D Fussell	Self
Maeve Malice	Self
Sapphire Smith	Self
David Grenier	Self
Mary E Sullivan	Nebraska Chapter of the National Association of Social Workers
Eliann Siebe-Walles	Self
Jeremy K Eriksen	Self
Steph Engelbart	Kindred Psychology
Kadence Ann Tomasch	Out Nebraska
Tiffany Weiss	Self
Echo Koehler	Nebraska Nurses Association
Sam Whitt	Self
Jessie McGrath	Self
Evelynn Freeman	Evelynn Freeman Psychotherapy LLC
Rev Juniper Meadows	2nd Unitarian Church of Omaha

**Neutral:**

**Representing:**

\* ADA Accommodation Written Testimony

**Summary of purpose and/or changes:**

SUMMARY

Under LB 574 performing gender altering procedures on people under 19 would be considered unprofessional conduct within the Uniform Credentialing Act.

SECTION BY SECTION SUMMARY:

Sec. 1: For purposes of section 38-178, unprofessional conduct means . . . but not limited to:

(15) Performing gender altering procedures for an individual younger than nineteen years of age in violation of section 5 of this act.

Sec. 2: Sections 2 to 7 of this act shall be known and may be cited as the Let Them Grow Act

Sec. 3: The Legislature finds that:

- (1) The state has a compelling government interest in protecting the health and safety of its citizens, especially vulnerable children;
- (2) Genital and nongenital gender altering surgeries are generally not recommended for children, although evidence indicates referral for children to have such surgeries are becoming more frequent; and
- (3) Genital and nongenital gender altering surgery includes several irreversible and invasive procedures for biological males and biological females and involves the alteration of biologically healthy and functional body parts.

Sec. 4: (1) Biological Sex means biological indication of male and female in the context

of reproductive potential or capacity, such as sex chromosomes, naturally occurring sex hormones, gonads, and nonambiguous internal and external genitalia present at birth, without regard to an individual's psychological, chosen, or subjective experience of gender

(2) Cross-sex hormones means testosterone or other androgens given to biological females in amounts that are larger or more potent than would normally occur naturally in healthy biological sex females and estrogen given to biological males in amounts that are larger or more potent than would normally occur naturally in healthy biological sex males;

(3) Gender means the psychological, behavioral, social, and cultural aspects of being male or female;

(4) Gender altering surgery means any medical or surgical service that seeks to surgically alter or remove healthy physical or anatomical characteristics or features that are typical for the individual's biological sex in order to instill or create physiological or anatomical characteristics that resemble a sex different from the individual's biological sex, including without limitation, genital or nongenital gender altering surgery performed for the purpose of assisting an individual with a gender alteration;

(5) Gender alteration means the process in which a person goes from identifying with and living as a gender that corresponds to his or her biological sex to identifying with and living as a gender different from his or her biological sex and may involve social, legal, or physical changes;

(6)(a) Gender altering procedures includes any medical or surgical service, including without limitation physician's services, inpatient and outpatient hospital services, or prescribed drugs related to gender alteration, that seeks to:

- (i) Alter or remove physical or anatomical characteristics or features that are typical for the individual's biological sex; or
- (ii) Instill or create physiological or anatomical characteristics that resemble a sex different from the individual's biological sex, including without limitation medical services that provide puberty blocking drugs, cross-sex hormones, or other mechanisms to promote the development of feminizing or masculinizing features in the opposite biological sex, or genital or nongenital gender altering surgery performed for the purpose of assisting an individual with a gender alteration;

(b) Gender altering procedures does not include:

- (i) Services to persons born with a medically verifiable disorder of sex development, including a person with external biological sex characteristics that are irresolvably ambiguous, such as those born with XX chromosomes with virilization, XY chromosomes with undervirilization, or having both ovarian and testicular tissue;
- (ii) Services provided when a health care practitioner has otherwise diagnosed a disorder of sexual development that the

health care practitioner has determined, through genetic or biochemical testing, that the person does not have normal sex chromosome structure, sex steroid production, or sex steroid hormone action;

(iii) The acute and chronic treatment of any infection, injury, disease, or disorder that has been caused by or exacerbated by the performance of gender altering procedures, whether or not the gender altering procedure was performed in accordance with state and federal law; or

(iv) Any procedure undertaken because the individual suffers from a physical disorder, physical injury, or physical illness that would, as certified by the health care practitioner, place the individual in imminent danger of death or impairment of major bodily function unless surgery is performed;

(7) Genital gender altering surgery means a medical procedure performed for the purpose of assisting an individual with a gender alteration, including without limitation:

(a) Surgical procedures such as penectomy, orchiectomy, vaginoplasty, clitoroplasty, or vulvoplasty for biologically male patients or hysterectomy or ovariectomy for biologically female patients;

(b) Reconstruction of the fixed part of the urethra with or without a metoidioplasty; or

(c) Phalloplasty, vaginectomy, scrotoplasty, or implantation of 18 erection or testicular prostheses for biologically female patients;

(8) Health care practitioner means a person licensed or certified under the Uniform Credentialing (9) Puberty-blocking drugs means gonadotropin-releasing hormone analogues or other synthetic drugs used in biological males to stop luteinizing hormone secretion and therefore testosterone secretion, or synthetic drugs used in biological females which stop the production of estrogens and progesterone, when used to delay or suppress pubertal development in children for the purpose of assisting an individual with a gender alteration; and

(10) Nongenital gender altering surgery means medical procedures performed for the purpose of assisting an individual with a gender alteration, including without limitation:

(a) Surgical procedures for biologically male patients, such as augmentation mammoplasty, facial feminization surgery, liposuction, lipofilling, voice surgery, thyroid cartilage reduction, gluteal augmentation, hair reconstruction, or various aesthetic procedures; or

(b) Surgical procedures for biologically female patients, such as subcutaneous mastectomy, voice surgery, liposuction, lipofilling, pectoral implants, or various aesthetic procedures.

Sec. 5: (1) No health care practitioner shall

(a) perform gender altering procedures in this state for an individual younger than nineteen years of age or

(b) refer an individual younger than nineteen years of age for gender altering procedures.

(2) The intentional and knowing performance of or referral for gender altering procedures by a health care practitioner for an individual younger than nineteen years of age in violation of subsection (1) of this section shall be considered unprofessional conduct as defined in section 38-179.

Sec. 6: State funds shall not be directly or indirectly used, granted, paid, or distributed to any entity, organization, or

individual that provides gender altering procedures to an individual younger than nineteen years of age

Sec. 7: An individual that received a gender altering procedure while such individual was younger than nineteen years of age, or the parent or guardian of such an individual, may bring a civil action for appropriate relief against the health care practitioner who performed the gender altering procedure or referred the individual under nineteen years of age for the gender altering procedure. Appropriate relief in an action under this section includes actual damages and reasonable attorney's fees. An action under this section shall be brought within 2 years from discovery of damages.

Sec. 8: Operative on October 1, 2023.

Sec. 9: Severability Clause

Sec 10: Repealer

---

Ben Hansen, Chairperson