LEGISLATURE OF THE STATE OF IDAHO  
Sixty-seventh Legislature Second Regular Session - 2024  

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:
(i) A person with external biological sex characteristics that
are ambiguous and irresolvable, such as a person born having 46, XX
chromosomes with virilization, 46, XY chromosomes with undervir-
ilization, or with both ovarian and testicular tissue; or
(ii) When a physician has otherwise diagnosed a disorder of sexual
development in which the physician has determined through genetic
testing that the minor or adult does not have the normal sex chro-
mosome structure, sex steroid hormone production, or sex steroid
hormone action for a male or female.

(2) Public funds shall not be used, granted, paid, or distributed to any
entity, organization, or individual for the provision or subsidy of any sur-
gical operation or medical intervention described in section 18-1506C(3),
Idaho Code, 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 regardless of whether
the surgical operation or medical intervention is administered to a minor or
an adult, except for exempted surgical operations or medical interventions.

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

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

(5) No physician or other health care professional in the course and
scope of employment by the state or a county or local government may pro-
vide the surgical operations or medical interventions described in section
18-1506C(3), Idaho Code, 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 regardless of whether the surgical operation or medical intervention is administered to a minor or an adult, except exempted surgical operations or medical interventions.

(6) No state property, facility, or building may be used to provide
the surgical operations or medical interventions described in section
18-1506C(3), Idaho Code, 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 regardless of whether the surgical operation or medical intervention is administered to a minor or an adult, except exempted surgical operations or medical interventions.
Any intentional violation of the provisions of this chapter by a public officer or public employee shall be considered a misuse of public mon-
es punishable pursuant to section 18-5702, Idaho Code.

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

56-270. PROHIBITION ON REIMBURSEMENT AND COVERAGE. (1) Pursuant to chapter 89, title 18, Idaho Code, the Idaho medicaid program shall not reim-
burse or provide coverage for any surgical operation or medical intervention described in section 18-1506C(3), Idaho Code, 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 regardless of whether the surgical operation or medical inter-
tervention is administered to a minor or an adult, except exempted surgical operations or medical interventions described in section 18-8901(1), Idaho Code.

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

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

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