

TITLE 18  
CRIMES AND PUNISHMENTS

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 undervirilization, 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 chromosome 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 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 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 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 shall not be tax-deductible, 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 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.

(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 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.

(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.

(7) Any intentional violation of the provisions of this chapter by a public officer or public employee shall be considered a misuse of public moneys punishable pursuant to section [18-5702](#), Idaho Code.

[18-8901, added 2024, ch. 209, sec. 2, p. 745.]