



Initiative 23-0020

August 28, 2023

**RECEIVED**

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Anabel Renteria  
Initiative Coordinator  
Office of the Attorney General  
1300 I Street, 17th Floor  
Sacramento, CA 95814

INITIATIVE COORDINATOR  
ATTORNEY GENERAL'S OFFICE

Re: Request for Title and Summary for Proposed Initiative

Dear Initiative Coordinator:

With this letter I submit a proposed statewide ballot measure in accordance with Article II of Section 10(d) of the California Constitution, entitled "Protect Children from Reproductive Harm Act." I am the proponent of the measure and a registered voter in the State of California. Please prepare a circulating title and summary of the measure as provided by law.

Enclosed with this letter and text of the proposed measure is a check in the amount of \$2,000 and the affidavits required by the Elections Code. I request that my address be kept confidential following verification of my voter registration status.

Please direct all correspondence and inquiries regarding this measure to:

Protect Kids California  
info@protectkidsca.com  
(916) 900-6121

Thank you for your time and attention processing this request.

Sincerely,

A handwritten signature in black ink, appearing to read "Jonathan Zachreson".

Jonathan Zachreson

## **Protect Children from Reproductive Harm Act**

**Section 1.** This measure shall be known as the “Protect Children from Reproductive Harm Act.”

**Section 2.** The people of California find and declare the following:

1. It is in the interest of the people of California to protect the reproductive, sexual health and bodily integrity of children as they grow into adults, including their natural ability to function sexually, reproduce, and breastfeed.
2. Gender dysphoria and other gender-related mental health disorders resolve in the vast majority of children when children are allowed to go through uninterrupted puberty and reach maturity.
3. Many of the medical interventions offered to minors utilize pharmaceuticals, hormones or surgical procedures which are not approved for treating gender dysphoria or gender identity disorders for children. There are no long-term studies demonstrating the efficacy and safety of gender-related medical interventions on children.
4. Countries including the United Kingdom, Sweden, and Finland no longer recommend gender-related medical interventions on children with limited exceptions.
5. The use of drugs, hormones, and surgeries that pose a substantial risk for irreversible and material side effects on a child’s body should be prohibited on children before eighteen (18) years of age. The legislature recognizes that young people are immature and fail to appreciate risks and consequences.

**Section 3.** It is the intent of the people of California in enacting this measure to:

1. Prohibit the removal or modification of non-diseased genitals and sex characteristics of children for the purpose of altering the physical appearance of a child to facilitate the child’s desire to present or appear in a manner that is inconsistent with the child’s biological sex at birth.
2. Prohibit the use of puberty blockers, cross-sex hormones or surgical interventions for the purpose of stopping or delaying normal puberty or altering the physical appearance of a child to facilitate the child’s desire to present or appear in a manner inconsistent with the child’s biological sex at birth.
3. Provide exceptions for (1) medically necessary procedures or treatments for children who are born with a medically verifiable sexual development disorder or who do not have the normal sex chromosome structure for male or female, (2) children who already received “sex-reassignment prescriptions or procedures” and wish to reverse the effect of these prescriptions or procedures to return their body’s function or appearance to that of their biological sex, and (3) children who have already begun one or more gender-related medical interventions.
4. Discipline any health care provider who has violated the provisions of this act through the provider’s licensing entity.

**Section 4.** Article 16 (commencing with Section 866) is added to Chapter 1 of Division 2 of the Business and Professions Code titled “Sex Change Efforts” and Sections 866, 866.1, 866.2 and 866.3 and are added to Article 16 to read:

*866. Notwithstanding Subdivision (d) of Section 3421, Subdivision (a) of Section 3424, Subdivision (f) of Section 3427, Subdivision (d) of Section 3428 and Section 3453.5 of the Family Code; and notwithstanding Subsection (1) of Subdivision (e) of Section 2029.300 and Subdivision (b) of Section 2029.350 of the Code of Civil Procedure; and notwithstanding Section 819 and Subdivision (c) of Section 1326 and of the Penal Code; and notwithstanding Section 56.109 of the Civil Code; and notwithstanding Subsection (22) of Subdivision (a) of Section 3421 and Subdivision (b) of Section 16010.2 of the Welfare and Institutions Code; and notwithstanding any other provision of law, all provisions of this Article (Article 16) shall apply.*

866.1 For the purposes of this article, the following terms shall have the following meanings:

(a) "Health care provider" means a physician, surgeon, psychiatrist, physician assistant, nurse, nurse practitioner or any other person designated as a health care professional who is licensed, certified or otherwise authorized under California law or regulation to provide or render health care or prescribe or provide a prescription drug in the ordinary course of business or practice of a profession.

(b) "Biological sex" means either male or female.

(c) "Male" means a person whose body is developed for the production of small gametes whether or not sperm is produced. Male humans typically have a penis at birth and XY chromosomes. "Female" means a person whose body is developed for production of large gametes whether or not eggs are produced. Female humans typically have a vagina at birth and XX chromosomes.

(d) "Sex-reassignment prescriptions or procedures" means:

(1) The prescription or administration of puberty blockers for the purposes of stopping or delaying normal puberty for purposes of affirming a child's perceived gender identity if that perception is inconsistent with the child's biological sex.

(2) The prescription or administration of hormones or hormone antagonists for the purposes of affirming a child's perceived gender identity if that perception is inconsistent with the child's biological sex.

(3) Any medical procedures, inclusive of surgery, for the purposes of affirming a child's perceived gender identity if that perception is inconsistent with the child's biological sex.

866.2. Health care providers are not permitted to provide sex-reassignment prescriptions or procedures on a patient under the age of 18 years, unless:

(a) The sex-reassignment prescriptions or procedures are medically necessary to treat a minor born with a medically verifiable genetic disorder of sexual development, inclusive of any of the following conditions:

(1) ambiguous external sex characteristics.

(2) disorder of sexual development in which a physician has determined through genetic or biochemical testing that the child does not have normal sex chromosome structure or sex steroid hormone production or action for typical males or females, as applicable.

(b) The child has already received sex-reassignment prescriptions or procedures and requests to reverse those effects to return his or her body to the appearance or function of his or her biological sex.

(c) The child has already begun a continuous course of sex-reassignment prescriptions or procedures prior to the effective date of this section, or January 1, 2025, whichever is earlier.

866.3. Any sex-reassignment prescriptions or procedures conducted on a patient under 18 years of age by a health care provider shall be considered unprofessional conduct and shall subject the health care provider to discipline by the licensing entity for that health care provider, unless permitted under Section 866.2 of the Business and Professions Code.

**Section 5:** Instruct the Legislature to resolve conflicts existing law may have with this act.

The Legislature is instructed to resolve any provision of law in conflict with the intent of this act, including Subdivision (d) of Section 3421, Subdivision (a) of Section 3424, Subdivision (f) of Section 3427, Subdivision (d) of Section 3428 and Section 3453.5 of the Family Code; and Subsection (1) of Subdivision (e) of Section 2029.300 and Subdivision (b) of Section 2029.350 of the Code of Civil Procedure; and Section 819 and Subdivision (c) of Section 1326 and of the Penal Code; and Section 56.109 of the Civil Code; and Subsection (22) of Subdivision (a) of Section 3421 and Subdivision (b) of Section 16010.2 of the Welfare and Institutions Code.

**Section 6.** General provisions.

1. This act shall not be amended by the Legislature except by a statute that furthers the purposes, intent, findings, and declarations of the act and is passed by each house of the Legislature by roll call vote entered into the journal, seven-eighths of the membership concurring, or by a statute that becomes effective only when approved by the voters.
2. If any provision of this act, or part thereof, is for any reason held to be invalid or unconstitutional, the remaining provisions shall not be affected but shall remain in full force and effect. To this end, the provisions of this measure are severable.
3. In the event that this measure and another measure related to the intent of this act shall appear on the same statewide election ballot, the provisions of the other measure or measures shall be deemed to conflict with this measure. In the event that this measure receives a greater number of affirmative votes than a measure deemed to conflict with it, the provisions of this measure shall prevail in their entirety, and the other measure or measures shall be null and void.
4. If this measure is approved by voters but superseded by law by any conflicting measure approved by the voters at the same election, and the conflicting ballot measure is later held invalid, this measure shall be self-executing and given full force and effect.
5. The Attorney General shall defend against any action challenging, in whole or in part, the validity of this act, and shall have an unconditional right to intervene in any action to defend the validity of this act. Where the Governor and Attorney General have declined to defend the validity of the act, the official proponent(s) are also authorized to act on the state's behalf in asserting the state's interest in the validity of the act and shall be reimbursed from the State of California for the purposes of defending this act.
6. The official proponent(s) of the act have an unconditional right to participate, either as interveners or real parties in interest, in any action affecting the validity or interpretation of the act.
7. Nothing in this section precludes other public officials from asserting the state's interest in the validity of the act.