

## INITIATIVE MEASURE TO BE SUBMITTED DIRECTLY TO THE VOTERS

The Attorney General of California has prepared the following circulating title and summary of the chief purpose and points of the proposed measure:

(23-0027A2) RESTRICTS RIGHTS OF TRANSGENDER YOUTH. INITIATIVE STATUTE. • Requires public and private schools and colleges to: restrict gender-segregated facilities like bathrooms to persons assigned that gender at birth; prohibit transgender female students (grades 7+) from participating in female sports. Repeals law allowing students to participate in activities and use facilities consistent with their gender identity. • Requires schools to notify parents whenever a student under 18 asks to be treated as a gender differing from school records without exception for student safety. • Prohibits gender-affirming health care for transgender patients under 18, even if parents consent or treatment is medically recommended. Summary of estimate by Legislative Analyst and Director of Finance of fiscal impact on state and local governments: Potentially minor savings in state and local health care costs of up to millions of dollars annually from no longer paying for prohibited services for individuals under the age of 18. These savings could be affected by many other impacts, such as individuals seeking treatment later in life. Minor administrative and workload costs to schools, colleges, and universities, up to several millions of dollars initially. Potential, but unknown, cost pressures to state and local governments related to federal fiscal penalties if the measure results in federally funded schools, colleges, universities, or health care providers being deemed out of compliance with federal law.

To the Honorable Secretary of State of California: We, the undersigned, registered, qualified voters of California, residents of the county identified herein, hereby propose amendments to the Education Code and the Business and Professions Code relating to protecting children and students of California and petition the Secretary of State to submit the same to the voters of California for their adoption or rejection at the next succeeding general election or at any special statewide election held prior to that general election or otherwise provided by law. The proposed statutory amendments read as follows:

### Protect Kids of California Act of 2024

**Section 1.** This measure shall be known as the "Protect Kids of California Act of 2024."

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

1. The policies in California meant to address students struggling with gender related issues, even if well-intended, have led to unintended consequences, infringement of rights, and negative outcomes. These policies include schools keeping critical information secret from parents about their children, allowing male student athletes compete against female student athletes, allowing opposites sex students in sex-segregated facilities, and steering children towards irreversible and unnecessary medical interventions which can render them sterile.
2. For parents or legal guardians to make the best decisions possible with respect to their children, schools must keep parents fully informed about all matters that are important to a parent and the well-being of a student, including the child's mental health and social and psychological development.
3. Schools' mental health services are inadequate to diagnose or treat students exhibiting symptoms of gender dysphoria, gender incongruence, issues with gender identity and suicidal ideation. The best way for children to obtain proper and timely treatment is to inform and involve parents who possess the primary authority to investigate, approve and decline possible treatments.
4. The U.S. Supreme Court has consistently opined that parental rights are a fundamental liberty interest and has repeatedly ruled that the Due Process Clause of the Fourteenth Amendment protects the fundamental right of parents and guardians to make decisions concerning the care, education, custody, and raising of their minor children.
5. Parents or legal guardians of a student have the legal right to be informed of any psychosocial or psychological testing or treatments that is being conducted or will be conducted by or through the school or its employees or agents. Schools must provide the opportunity for the parents or legal guardians to be involved with the child's experience at school.
6. Female students should have fair and safe opportunities to compete in athletic programs.
7. There are physical differences between the sexes, giving male athletes a physical, competitive advantage against female athletes.
8. There is an increasing number of occurrences of male athletes, based on their perceived gender identity, competing against female athletes. These occurrences have led to lost opportunities, violations of privacy, and injuries for female athletes.
9. Having sex-segregated private spaces at education institutions, such as locker rooms and bathrooms, is an important, historical measure to protect the privacy and safety of all students.
10. 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.
11. Gender dysphoria and other gender-related mental health disorders naturally resolve in the vast majority of children when children are allowed to go through uninterrupted puberty and reach maturity.
12. 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.
13. Countries including the United Kingdom, Sweden, and Finland no longer recommend gender-related medical interventions on children with very limited exceptions.

14. The use of drugs, hormones, and surgeries that pose a substantial risk for irreversible and material side effects on a child's body including, but not limited to, reproductive sterility should be prohibited for minor 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. Bring balance to the policies meant to address children and students struggling with gender related issues, ultimately for the protection of students and children.
2. Ensure timely notification to parents or legal guardians if their student has requested to be referred to, or to be treated as a gender that differs from the student's biological sex listed on the student's birth certificate, student record or other official record.
3. Require consent from parents or legal guardians for social transition accommodations provided to their child at school.
4. Maintain fairness in girls' and women's athletic programs and protect equal opportunities for female athletes by ensuring female athletes compete only against other female athletes in athletic programs reserved for girls and women.
5. Protect the privacy and safety of both female and male students, by ensuring any sex-segregated facilities are segregated based on biological sex.
6. 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.
7. 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.
8. 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.
9. Discipline any health care provider who has violated the provisions of this act through the provider's licensing entity.

**Section 4.** Subdivision (b) of Section 49061 of Education Code is amended to read:

(b) "Pupil record" means any item of information directly related to an identifiable pupil, other than directory information, that is maintained by a school district or required to be maintained by an employee in the performance of his or her duties whether recorded by handwriting, print, tapes, film, microfilm, or other means. "Pupil record" includes the pupil's name, including the legal name of the pupil and any other names, and the gender used to refer to and treat a pupil by schools, teachers, administrators, certified staff, school counselors, employees or other agents of the school as submitted by the parent(s)/legal guardian(s) of the pupil at enrollment.

**Section 5.** Section 51101.5 of the Education Code is added to read:

51101.5 (a) Notwithstanding any other law, a school shall notify parents and legal guardians as soon as practicable, but preferably within three days, from the date a pupil, or any person acting on behalf of a pupil if not the parents or legal guardians, requests that the school treat the pupil as a gender that differs from the pupil's gender in the pupil's record as submitted by the parents or legal guardians or per government issued documentation.

(b) A request that a school treat a pupil as a gender that differs from the pupil's record includes, but not limited to, a request to:

(1) Address the pupil by a name that differs from the pupil's name(s) as submitted by the parent(s)/legal guardian(s) of the pupil at enrollment.

(2) Address the pupil with pronouns for a gender that does not correspond to the pupil's record.

(3) Receive accommodations at school-related activities, including field trips or school camp programs, for a gender that does not correspond with the pupil's record.

(4) Have access to any type of body-modification clothing or materials, including breast binders or compression garments, tape, cosmetics or any other body or appearance-altering materials for the purpose of appearing as a gender different from the pupil's record.

(c) Nothing in this section affects confidentiality between a school counselor and a pupil as provided in Section 49602 of the Education Code, Section 6924 of the Family Code, and Section 124260 of the Health and Safety Code, as applicable.

(d) Notwithstanding any other law, the school shall obtain explicit advance written approval from the parents or legal guardians of the pupil before the school, teachers, administrators, certified staff, school counselors, employees or agents of the school, including health centers on school sites or in contract with the school provide any of the accommodations in Subdivision (b) of this section.

(e) This section is inapplicable to pupils aged 18 years and older.

**Section 6.** Education Code Section 221.5.(f) is repealed:

(f) A pupil shall be permitted to participate in sex-segregated school programs and activities, including athletic teams and competitions, and use facilities consistent with his or her gender identity, irrespective of the gender listed on the pupil's records.

**Section 7.** Education Code Section 210.8 is added to read:

210.8 "Biological sex" means male or female.

(a) "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. "Boys" and "men" mean the same as males.

(b) "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. "Girls" and "women" mean the same as females.

(c) A statement of a student's biological sex on the student's official birth certificate is considered to have correctly stated the student's biological sex only if the statement was:

(1) entered at or near the time of the student's birth; or

(2) modified to correct any type of clerical error of the student's biological sex.

**Section 8.** Education Code Section 221.75 is added to read:

221.75 (a) In enacting this section, it is the intent of the people of California to maintain fairness in girls' and women's athletics, protect equal opportunities for female athletes, and protect the privacy and safety of students.

(b) Notwithstanding any other law, a school serving students grades 7 to 12, inclusive, that offers sex-segregated athletic programs and activities shall not permit any male student to participate in any athletic program or activity that is designated for female students.

(c) Notwithstanding any other law, any sex-segregated facility, including, but not limited to, a bathroom or locker room, on the campus of a school shall be segregated based on biological sex.

(d) For the purposes of this section and article, "biological sex," "male," and "female" have the same definitions as in Section 210.8 of the Education Code.

**Section 9.** Education Code Section 224(a)(5) is repealed:

(5) Pupils who do not identify as either male or female, or who do not identify with their assigned gender at birth, are allowed to participate in either conference.

**Section 10.** Education Code Section 66271.85 is added to read:

66271.85 (a) In enacting this section, it is the intent of the people of California to maintain fairness in girls' and women's athletics, protect equal opportunities for female athletes, and protect the privacy and safety of students.

(b) Notwithstanding any other law, a college or university that offers sex-segregated athletic programs and activities shall not permit any male student to participate in any competitive athletic program or activity that is designated for female students.

(c) Notwithstanding any other law, any sex-segregated facility, including, but not limited to, a bathroom or locker room, on the campus of a college or university shall be segregated based on biological sex.

(d) For the purposes of this section and article, "biological sex," "male," and "female" have the same definitions as in Section 210.8 of the Education Code.

**Section 11.** 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 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) For the purposes of this section and article, "biological sex" has the same definition as in Subdivisions (a) through (b) in Section 210.8 of the Education Code.

(c) "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 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 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 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, including precocious puberty.

(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 Unless permitted under Section 866.2 of the Business and Professions Code, 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 and hearing process by the licensing entity for that health care provider. The discipline shall include the revocation of the health care provider's licensure or certification.

**Section 12.** 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. The Legislature is instructed to resolve any provision of law in conflict with the intent of this act.

4. 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.

5. 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.

6. The Attorney General shall defend against any action challenging, in whole or in part, the validity of this act, and is prohibited from challenging in whole or in part, 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.

7. 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.

8. Nothing in this section precludes other public officials from asserting the state's interest in the validity of the act.