

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2157 Session of  
2024

INTRODUCED BY LEADBETER, D'ORSIE, KAUFFMAN, HAMM, M. MACKENZIE,  
ROWE, T. JONES, BERNSTINE, SCIALABBA, CABELL, JOZWIAK, KEEFER  
AND BANTA, MARCH 25, 2024

REFERRED TO COMMITTEE ON JUDICIARY, MARCH 25, 2024

AN ACT

1 Amending Title 23 (Domestic Relations) of the Pennsylvania  
2 Consolidated Statutes, in child custody, providing for gender  
3 identification.

4 The General Assembly of the Commonwealth of Pennsylvania  
5 hereby enacts as follows:

6 Section 1. Title 23 of the Pennsylvania Consolidated  
7 Statutes is amended by adding a section to read:

8 § 5329.2. Gender identification.

9 (a) Nonconsideration of certain factors.--If a party seeks  
10 any form of custody of a child, the court, in determining the  
11 best interest of the child, may not consider the refusal of the  
12 party to:

13 (1) use the preferred pronouns of the child; or

14 (2) consent to gender affirmation treatment, gender  
15 transition, genital gender reassignment surgery or nongenital  
16 gender reassignment surgery.

17 (b) Definitions.--As used in this section, the following  
18 words and phrases shall have the meanings given to them in this

1 subsection unless the context clearly indicates otherwise:

2 "Biological sex." The biological indication of male and  
3 female in the context of reproductive potential or capacity,  
4 such as sex chromosomes, naturally occurring sex hormones,  
5 gonads and nonambiguous internal and external genitalia present  
6 at birth, without regard to an individual's psychological,  
7 chosen or subjective experience of gender.

8 "Gender." The psychological, behavioral, social and cultural  
9 aspects of being male or female.

10 "Gender affirmation treatment." Includes any medical service  
11 that seeks to surgically or chemically alter or remove healthy  
12 physical or anatomical characteristics or features of an  
13 individual that are typical for the individual's biological sex,  
14 in order to instill or create physiological or anatomical  
15 characteristics that resemble a sex different from the  
16 individual's biological sex, including genital gender  
17 reassignment surgery or nongenital gender reassignment surgery  
18 performed for the purpose of assisting the individual with a  
19 gender transition.

20 "Gender transition." The process in which an individual goes  
21 from identifying with and living as a gender that corresponds to  
22 the biological sex of the individual to identifying with and  
23 living as a gender different from the biological sex of the  
24 individual. The term may involve social, legal or physical  
25 changes.

26 "Genital gender reassignment surgery." A medical procedure  
27 performed for the purpose of assisting an individual with a  
28 gender transition, including any of the following:

- 29 (1) A surgical procedure such as:  
30 (i) penectomy, orchiectomy, vaginoplasty,

1 clitoroplasty or vulvoplasty for biologically male  
2 patients; or

3 (ii) hysterectomy or ovariectomy for biologically  
4 female patients.

5 (2) Reconstruction of the fixed part of the urethra with  
6 or without a metoidioplasty.

7 (3) Phalloplasty, vaginectomy, scrotoplasty or  
8 implantation of erection or testicular prostheses for  
9 biologically female patients.

10 "Nongenital gender reassignment surgery." A medical  
11 procedure performed for the purpose of assisting an individual  
12 with a gender transition, including any of the following:

13 (1) A surgical procedure for a biologically male  
14 patient, such as augmentation mammoplasty, facial  
15 feminization surgery, liposuction, lipofilling, voice  
16 surgery, thyroid cartilage reduction, gluteal augmentation,  
17 hair reconstruction or various aesthetic procedures.

18 (2) A surgical procedure for a biologically female  
19 patient, such as subcutaneous mastectomy, voice surgery,  
20 liposuction, lipofilling, pectoral implants or various  
21 aesthetic procedures.

22 Section 2. This act shall take effect in 60 days.