

SB 1188 seeks to require medical providers to categorize patients’ “biological sex” as either “male” or “female,” even if the patient has a verified “sexual development disorder.” While the law contains some provisions that are helpful for Texas patients—such as requiring medical providers to document communications with specialists and track patients’ metabolic history—the central provisions forcing medical providers to document patients’ “biological sex” seek to address a non-existent problem and discriminate against transgender and intersex Texans.

- This law discriminates against transgender and intersex Texans. SB 1188 requires electronic health records to document “an individual’s biological sex as either male or female based on the individual’s observed biological sex recorded by a health care practitioner at birth.” While the law permits the “recording [of] other information related to an individual’s biological sex or gender identity,” it only allows changing someone’s biological sex if: “(1) the amendment is to correct a clerical error; or (2) the individual is diagnosed with a sexual development disorder and the amendment changes the individual’s listed biological sex to the opposite biological sex.”
- The law defines sex solely based on someone’s ability to reproduce, which is harmful to many Texans. SB 1188 defines “female” as “an individual whose biological reproductive system is developed to produce ova” and “male” as “an individual whose biological reproductive system is developed to produce sperm.” By legally defining sex based on someone’s ability to reproduce, SB 1188 ignores the scientific reality that countless transgender and intersex people live in our state and could also impact anyone who cannot reproduce.
- SB 1188 Could Lead to Inaccurate Medical Records. Every person deserves medical records that accurately reflect who they are. While healthcare providers may document someone’s gender identity under the provisions of this law, forcing every person to be categorized under a gender binary based on reproductive anatomy could lead to some people’s medical records being inaccurate or incomplete.

If you are impacted by SB 1188, please reach out to us at intake.aclutx.org.