

KANSAS OFFICE *of*  
**REVISOR *of* STATUTES**

LEGISLATURE *of* THE STATE *of* KANSAS  
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**MEMORANDUM**

To: House Committee on Health and Human Services

From: Office of Revisor of Statutes

Date: January 28, 2025

Subject: Bill Brief on HB 2071

HB 2071 enacts the help not harm act to prohibit healthcare providers from treating a child whose gender identity is inconsistent with the child's sex, authorizes a civil cause of action against healthcare providers for providing such treatment, restricts the use of state funds to promote gender transitioning, prohibits professional liability insurance from covering damages for healthcare providers that provide gender transition treatment to minors, and mandates professional discipline against a healthcare provider who performs such treatments.

Section 1 sets out the name of sections 1 through 6 as the help not harm act and defines terms used in the bill.

Section 2 would prohibit the use of state funds to pay for, subsidize or promote social transitioning, medication, or surgery for a child as treatment for gender dysphoria. Subsection (b) prohibits an entity that receives state funds to in part pay for treatment of children for psychological conduction from prescribing, dispensing, or administering hormone treatments or puberty blockers, performing gender transition surgery or providing a referral to another healthcare provider for such medication or surgery to a child experiencing gender dysphoria.

Section 3 subsections (a) and (b) would prohibit a healthcare provider from knowingly performing certain surgical procedures or prescribing, dispensing or administering hormone treatments or puberty blockers to a child for the purpose of treatment arising from gender dysphoria except as provided in subsections (c) or (d).

Subsection (c) is an exception to the prohibition in subsections (a) and (b) for individuals born with a medically verifiable disorder of sex development.

Subsection (d) is an exception to the prohibition in subsections (a) and (b) would permit a healthcare provider who has initiated hormone treatments or puberty blockers prior to the effective date of this act to continue such treatment until December 31, 2025, if such healthcare provider develops a plan to reduce the child's use of such drug.

Section 4 sets out repercussions for a healthcare provider who violates the consent or treatment prohibitions in section 3. Subsection (a) sets out that if a healthcare provider violates section 3, such provider's license shall be revoked by the appropriate licensing authority. Subsections (b)-(d) create civil actions for violations of section 3.

The cause of action in subsection (b) is for the child who has suffered harm because of treatments in violation of section 3. In this cause of action, a defendant would be held strictly liable. A defendant does not have to prove negligence. This cause of action would have a statute of limitations of 10 years after the child turns 18 years of age.

Subsection (c) is a cause of action for parents whose child experienced a violation of section 3. The relief that a court could grant would be damages, equitable relief, costs of the suit and attorney fees. This cause of action would have a statute of limitations of 10 years.

Subsection (d) is a cause of action for a child provided treatment in violation of section 3. In this cause of action, a prevailing plaintiff could recover damages, equitable relief, the cost of the suit and attorney fees. This cause of action would have a statute of limitations of 10 years after the child turns 18 years of age.

Section 5 would prohibit a professional liability policy issued to a healthcare provider from including coverage for damages assessed against a healthcare provider who provides treatment to a child in violation of sections 3 or 4.

Section 6 is a standard severability clause.

Section 7 amends K.S.A. 65-2837, relating to professional discipline of board of healing arts licensees to add violating the act as to the definition of unprofessional conduct.

The provisions of the bill would go into effect on publication in the statute book, July 1, 2025.