

**HOUSE BILL No. 2071**

By Committee on Health and Human Services

Requested by Representative Bryce

1-23

1 AN ACT concerning children and minors; relating to healthcare of minors;  
2 enacting the help not harm act; prohibiting healthcare providers from  
3 treating a child whose gender identity is inconsistent with the child's  
4 sex; authorizing a civil cause of action against healthcare providers for  
5 providing such treatments; restricting use of state funds to promote  
6 gender transitioning; prohibiting professional liability insurance from  
7 covering damages for healthcare providers that provide gender  
8 transition treatment to children; requiring professional discipline  
9 against a healthcare provider who performs such treatments; adding  
10 violation of the act to the definition of unprofessional conduct for  
11 physicians; amending K.S.A. 65-2837 and repealing the existing  
12 section.  
13

14 *Be it enacted by the Legislature of the State of Kansas:*

15 New Section 1. (a) The provisions of sections 1 through 6, and  
16 amendments thereto, shall be known and may be cited as the help not harm  
17 act.

18 (b) As used in this act:

19 (1) "Child" means an individual less than 18 years of age.

20 (2) "Female" means an individual who is a member of the female sex.

21 (3) "Gender" means the psychological, behavioral, social and cultural  
22 aspects of being male or female.

23 (4) "Gender dysphoria" is the diagnosis of gender dysphoria in the  
24 fifth edition of the diagnostic and statistical manual of mental disorders.

25 (5) "Healthcare provider" means an individual who is licensed,  
26 certified or otherwise authorized by the laws of this state to administer  
27 healthcare services in the ordinary course of the practice of such  
28 individual's profession.

29 (6) "Male" means an individual who is a member of the male sex.

30 (7) "Perceived sex" is an individual's internal sense of such  
31 individual's sex.

32 (8) "Perceived gender" is an individual's internal sense of such  
33 individual's gender.

34 (9) "Sex" means the biological indication of male and female in the  
35 context of reproductive potential or capacity, including sex chromosomes,

- 1 (1) Develops a plan to systematically reduce the child's use of such
- 2 drug;
- 3 (2) determines and documents in the child's medical record that
- 4 immediately terminating the child's use of such drug would cause harm to
- 5 the child; and
- 6 (3) such course of treatment shall not extend beyond December 31,
- 7 2025.

8 New Sec. 4. (a) If a healthcare provider violates the provisions of  
 9 section 3, and amendments thereto:

10 (1) The healthcare provider has engaged in unprofessional conduct  
 11 and, notwithstanding any provision of law to the contrary, the license of  
 12 such healthcare provider shall be revoked by the appropriate licensing  
 13 entity or disciplinary review board with competent jurisdiction in this  
 14 state.

15 (b) A healthcare provider who provides treatment to a child in  
 16 violation of section 3(a) or (b), and amendments thereto, shall be held  
 17 strictly liable to such child if the treatment or effects of such treatment  
 18 results in any physical, psychological, emotional or physiological harms to  
 19 such child in the next 10 years from the date that the individual turns 18  
 20 years of age.

21 (c) The parents of a child who has experienced violation of section  
 22 3(a) or (b), and amendments thereto, shall have a private cause of action  
 23 against a healthcare provider for damages and equitable relief as the court  
 24 may determine is justified. A prevailing party may recover the costs of the  
 25 suit and reasonable attorney fees.

26 (d) (1) An individual who was provided treatment as a child in  
 27 violation of section 3(a) or (b), and amendments thereto, shall have a  
 28 private cause of action against the healthcare provider who provided such  
 29 treatment for actual damages, punitive damages, injunctive relief, the cost  
 30 of the suit and reasonable attorney fees.

31 (2) An action against a healthcare provider pursuant to this subsection  
 32 shall be filed within 10 years from the date that the individual turns 18  
 33 years of age.

34 New Sec. 5. A professional liability insurance policy issued to a  
 35 healthcare provider shall not include coverage for damages assessed  
 36 against the healthcare provider who provides treatment to a child in  
 37 violation of section 3(a) or (b), and amendments thereto.

38 ~~New Sec. 6. If any provision or clause of this act or application~~  
 39 ~~thereof to any person or circumstance is held invalid, such invalidity shall~~  
 40 ~~not affect other provisions or applications of this act that can be given~~  
 41 ~~effect without the invalid provision or application, and to this end the~~  
 42 ~~provisions of this act are declared to be severable.~~

43 Sec. 7. K.S.A. 65-2837 is hereby amended to read as follows: 65-

Strike all in lines 38-42

And by renumbering sections accordingly