

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

providing certain treatment to

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,

, but does not include an individual who is
licensed by the behavioral sciences
regulatory board.

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 naturally occurring sex hormones, gonads and nonambiguous internal and
2 external genitalia present at birth, without regard to an individual's
3 psychological, chosen or subjective experience of gender.

4 (10) "Social transitioning" means acts other than medical or surgical
5 interventions that are undertaken for the purpose of presenting as a
6 member of the opposite sex, including the changing of an individual's
7 preferred pronouns or manner of dress.

8 New Sec. 2. (a) A recipient of state funds shall not use such funds to
9 provide or subsidize medication or surgery as provided in section 3, and
10 amendments thereto, as a treatment for a child's perception of gender or
11 sex that is inconsistent with such child's sex.

12 (b) An individual or entity that receives state funds to pay for or
13 subsidize the treatment of children for psychological conditions, including
14 gender dysphoria, shall not prescribe, dispense or administer medication or
15 perform surgery as provided in section 3, and amendments thereto, or
16 provide a referral to another healthcare provider for such medication or
17 surgery for a child whose perceived gender or perceived sex is inconsistent
18 with such child's sex.

19 (c) The Kansas program of medical assistance and its managed care
20 organizations shall not reimburse or provide coverage for medication or
21 surgery as provided in section 3, and amendments thereto, as a treatment
22 for a child whose perceived gender or perceived sex is inconsistent with
23 such child's sex.

24 (d) Except to the extent required by the first amendment to the United
25 States constitution, a state property, facility or building shall not be used to
26 promote or advocate the use of social transitioning, medication or surgery
27 as provided in section 3, and amendments thereto, as a treatment for a
28 child whose perceived gender or perceived sex is inconsistent with such
29 child's sex.

30 (e) A state property, facility or building shall not be used to prescribe,
31 dispense or administer medication or perform surgery as provided in
32 section 3, and amendments thereto, as a treatment for a child whose
33 perceived gender or perceived sex is inconsistent with such child's sex.

34 (f) A state employee whose official duties include the care of children
35 shall not, while engaged in those official duties, promote the use of social
36 transitioning or provide or promote medication or surgery as provided in
37 section 3, and amendments thereto, as a treatment for a child whose
38 perceived gender or perceived sex is inconsistent with such child's sex.

39 New Sec. 3. (a) Except as provided in subsection (c) or (d), a
40 healthcare provider shall not knowingly perform the following surgical
41 procedures or prescribe, dispense or administer the following medications
42 to a female child for the purpose of treatment for distress arising from such
43 female child's perception that such child's gender or sex is not female:

(1)

1 (1) ~~(4)~~ Surgical procedures, including, but not limited to, a vaginectomy,
2 hysterectomy, oophorectomy, ovariectomy, reconstruction of the urethra,
3 metoidioplasty, phalloplasty, scrotoplasty, implantation of erection or
4 testicular prostheses, subcutaneous mastectomy, voice surgery, liposuction,
5 lipofilling or pectoral implants;

6 ~~(2)~~ supraphysiologic doses of testosterone or other androgens; or

7 ~~(3)~~ puberty blockers such as GnRH agonists or other synthetic drugs
8 that suppress the production of estrogen and progesterone to delay or
9 suppress pubertal development in female children.

(1) 10 (b) Except as provided in subsection (c) or (d), a healthcare provider
11 shall not knowingly perform the following surgical procedures or
12 prescribe, dispense or administer the following medications to a male child
13 for the purpose of treatment for distress arising from such male child's
14 perception that such child's gender or sex is not male:

15 (1) Surgical procedures, including, but not limited to, a penectomy,
16 orchiectomy, vaginoplasty, clitoroplasty, vulvoplasty, augmentation
17 mammoplasty, facial feminization surgery, liposuction, lipofilling, voice
18 surgery, thyroid cartilage reduction or gluteal augmentation;

19 (2) supraphysiologic doses of estrogen; or

20 (3) puberty blockers such as GnRH agonists or other synthetic drugs
21 that suppress the production of testosterone or delay or suppress pubertal
22 development in male children.

23 (c) The treatments prohibited by subsections (a) and (b) shall not
24 apply to treatment provided for other purposes, including:

25 (1) Treatment for individuals born with a medically verifiable
26 disorder of sex development, including:

27 (A) An individual born with external biological sex characteristics
28 that are irresolvably ambiguous, including an individual born with 46 XX
29 chromosomes with virilization, 46 XY chromosomes with under
30 virilization or having both ovarian and testicular tissue; or

31 (B) an individual whom a physician has otherwise diagnosed with a
32 disorder of sexual development that the physician has determined through
33 genetic or biochemical testing that such individual does not have normal
34 sex chromosome structure, sex steroid hormone production or sex steroid
35 hormone action for a male or female; and

36 (2) treatment of any infection, injury, disease or disorder that has
37 been caused or exacerbated by the performance of a procedure listed in
38 subsections (a) or (b).

39 (d) If a healthcare provider has initiated a course of treatment for a
40 child that includes prescribing, administering or dispensing of a drug
41 prohibited by subsection (a)(2), (a)(3), (b)(2) or (b)(3) prior to the effective
42 date of this act, the healthcare provider may continue such course of
43 treatment if the healthcare provider:

redesignate as (A), (B), (C)

(2) This section shall not prohibit the prescribing, dispensing or administration of medications used to treat mental illness, including, antipsychotics, antidepressants, anti-anxiety medications, mood stabilizers and stimulants.

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(2) This section shall not prohibit the prescribing, dispensing or administration of medications used to treat mental illness, including, antipsychotics, antidepressants, anti-anxiety medications, mood stabilizers and stimulants.