

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 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.

(1)

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.

(2) As used in this subsection, "state employee" does not include school district employees.

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: