

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 (34)(35) Obstructing a board investigation including, but not limited
2 to, engaging in one or more of the following acts:

- 3 (A) Falsifying or concealing a material fact;
- 4 (B) knowingly making or causing to be made any false or misleading
5 statement or writing; or
- 6 (C) other acts or conduct likely to deceive or defraud the board.

7 (c) "False advertisement" means any advertisement that is false,
8 misleading or deceptive in a material respect. In determining whether any
9 advertisement is misleading, there shall be taken into account not only
10 representations made or suggested by statement, word, design, device,
11 sound or any combination thereof, but also the extent to which the
12 advertisement fails to reveal facts material in the light of such
13 representations made.

14 (d) "Advertisement" means all representations disseminated in any
15 manner or by any means for the purpose of inducing, or that are likely to
16 induce, directly or indirectly, the purchase of professional services.

17 (e) "Licensee" for purposes of this section and K.S.A. 65-2836, and
18 amendments thereto, means all persons issued a license, permit or special
19 permit pursuant to article 28 of chapter 65 of the Kansas Statutes
20 Annotated, and amendments thereto.

21 (f) "License" for purposes of this section and K.S.A. 65-2836, and
22 amendments thereto, means any license, permit or special permit granted
23 under article 28 of chapter 65 of the Kansas Statutes Annotated, and
24 amendments thereto.

25 (g) "~~Health care~~Healthcare entity" means any corporation, firm,
26 partnership or other business entity that provides services for diagnosis or
27 treatment of human health conditions and that is owned separately from a
28 referring licensee's principle practice.

29 (h) "Significant investment interest" means ownership of at least 10%
30 of the value of the firm, partnership or other business entity that owns or
31 leases the ~~health care~~ healthcare entity, or ownership of at least 10% of the
32 shares of stock of the corporation that owns or leases the ~~health care~~
33 healthcare entity.

34 Sec. 8. K.S.A. 65-2837 is hereby repealed.

35 Sec. 9. This act shall take effect and be in force from and after its
36 publication in the statute book.

Sec. 8. The provisions of this act shall expire on
December 31, 2027.