

HOUSE BILL No. 2791

By Committee on Health and Human Services

Requested by Representative Bryce

2-9

1 AN ACT concerning children and minors; relating to healthcare of minors;
2 enacting the forbidding abusive child transitions act; prohibiting
3 healthcare professionals from treating a child whose gender identity is
4 inconsistent with the child's sex; authorizing a civil cause of action
5 against healthcare professionals for providing such treatments;
6 restricting use of state funds to promote gender transitioning;
7 prohibiting professional liability insurance from covering damages for
8 healthcare providers that provide gender transition treatment to
9 children; authorizing professional discipline against a physician who
10 performs such treatments; amending K.S.A. 65-2837 and K.S.A. 2023
11 Supp. 65-1120 and repealing the existing sections.
12

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

14 New Section 1. (a) The provisions of sections 1 through 7, and
15 amendments thereto, shall be known and may be cited as the forbidding
16 abusive child transitions act.

17 (b) As used in this act:

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

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

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

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

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

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

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

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

33 (9) "Sex" means the biological indication of male and female in the
34 context of reproductive potential or capacity, including sex chromosomes,
35 naturally occurring sex hormones, gonads and nonambiguous internal and

1 external genitalia present at birth, without regard to an individual's
2 psychological, chosen or subjective experience of gender.

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

7 New Sec. 2. (a) A recipient of state funds shall not use such funds to
8 provide or subsidize medication or surgery as a treatment for a child's
9 perception of gender or sex that is inconsistent with such child's sex.

10 (b) An individual or entity that receives state funds to pay for or
11 subsidize the treatment of children for psychological conditions, including
12 gender dysphoria, shall not promote or advocate medication or surgery as a
13 treatment for a child whose perceived gender or perceived sex is
14 inconsistent with such child's sex.

15 (c) The Kansas program of medical assistance and its managed care
16 organizations shall not reimburse or provide coverage for medication or
17 surgery as a treatment for a child whose perceived gender or perceived sex
18 is inconsistent with such child's sex.

19 (d) Except to the extent required by the first amendment to the United
20 States constitution, a state property, facility or building shall not be used to
21 promote or advocate the use of social transitioning, medication or surgery
22 as a treatment for a child whose perceived gender or perceived sex is
23 inconsistent with such child's sex.

24 (e) A state property, facility or building shall not be used to prescribe,
25 administer or dispense medication or perform surgery as a treatment for a
26 child whose perceived gender or perceived sex is inconsistent with such
27 child's sex.

28 (f) A state employee whose official duties include the care of children
29 shall not, while engaged in those official duties, provide or promote the
30 use of social transitioning, medication, or surgery as a treatment for a child
31 whose perceived gender or perceived sex is inconsistent with such child's
32 sex.

33 New Sec. 3. (a) A healthcare professional shall obtain informed
34 consent from a child's parent or guardian before discussing with a child the
35 possibility of social transitioning, medication or surgery as a treatment for
36 a child whose perceived gender or perceived sex is inconsistent with such
37 child's sex.

38 (b) For purposes of this act, informed consent requires notice:

39 (1) That social transitioning, medication and surgery may have an
40 iatrogenic effect such that, beginning with one treatment, the discordance
41 between the child's perception and such child's sex may increase, requiring
42 even more treatment;

43 (2) regarding puberty blockers and that such medications:

(g) As used in this section,
"medication" means:
(1) supraphysiologic doses of
testosterone or other androgens;
or
(2) puberty blockers such as
GnRH agonists or other synthetic
drugs that suppress the
production of estrogen and
progesterone to delay or suppress
pubertal development in female
children.