

Session of 2025

SENATE BILL No. 63

By Committee on Public Health and Welfare

1-22

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

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

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

(b) As used in this act:

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

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

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

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

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

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

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

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

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

1 drug;

2 (2) determines and documents in the child's medical record that
3 immediately terminating the child's use of such drug would cause harm to
4 the child; and

5 (3) such course of treatment shall not extend beyond December 31,
6 2025.

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

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

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

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

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

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

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

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

42 Sec. 7. K.S.A. 65-2837 is hereby amended to read as follows: 65-
43 2837. As used in K.S.A. 65-2836, and amendments thereto, and in this

A prevailing plaintiff may recover actual and
punitive damages, injunctive relief, the cost of
the suit and reasonable attorney fees

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1 to, engaging in one or more of the following acts:

2 (A) Falsifying or concealing a material fact;

3 (B) knowingly making or causing to be made any false or misleading
4 statement or writing; or

5 (C) other acts or conduct likely to deceive or defraud the board.

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

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

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

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

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

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

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

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

Kansas register
