

1 oping to correspond to the individual’s
2 sex; or

3 (II) intentionally changing the in-
4 dividual’s body, including the individ-
5 ual’s external appearance or biological
6 functions, to no longer correspond to
7 the individual’s sex.

8 (ii) ITEMS AND SERVICES.—The items
9 and services described in this clause are—

10 (I) the use of puberty blockers,
11 including gonadotropin releasing hor-
12 mone agonists and antagonists;

13 (II) the use of sex hormones,
14 such as androgen blockers, estrogen,
15 anti-estrogen, progesterone, testos-
16 terone, or dihydrotestosterone
17 blockers; and

18 (III) surgical procedures that at-
19 tempt to transform an individual’s
20 physical appearance or that attempt
21 to alter or remove an individual’s sex-
22 ual organs.

23 (B) EXCLUSIONS.—The term “covered
24 intervention” does not include any of the fol-
25 lowing:

1 (i) Appropriate and medically nec-
2 essary procedures to treat a verifiable dis-
3 order of sexual development, including an
4 individual born with 46 XX chromosomes
5 with virilization, with 46 XY chromosomes
6 with undervirilization, or having both ovar-
7 ian and testicular tissue.

8 (ii) The treatment of any infection, in-
9 jury, disease, or disorder that has been
10 caused or exacerbated by the performance
11 of an intervention described in subpara-
12 graph (A) without regard to whether the
13 intervention was performed in accordance
14 with State or Federal law or whether the
15 intervention is covered by the private right
16 of action under section 4.

17 (iii) Any intervention undertaken be-
18 cause the individual suffers from any diag-
19 nosed and verifiable condition of the body's
20 organ systems, including the following:

21 (I) Traumatic bodily injuries
22 (such as fractures, organ rupture, or
23 penetrating trauma).

24 (II) Congenital structural anoma-
25 lies of major organs or systems, in-

1 including the cardiovascular, res-
2 piratory, renal, hepatic, neurological,
3 or musculoskeletal systems.

4 (III) Acute illnesses with a high
5 probability of rapid mortality.

6 (3) DETRANSITION TREATMENT.—The term
7 “detransition treatment” means any treatment,
8 medical intervention, or surgery, that stops, reverses
9 the effects of, or aids in the recovery from the ef-
10 fects of, a prior covered intervention.

11 (4) HEALTH CARE PROFESSIONAL.—The term
12 “health care professional” means an individual who
13 is licensed, certified, or otherwise authorized by the
14 laws of a State to administer health care in the ordi-
15 nary course of the practice of his or her profession
16 or performing such acts which require such licen-
17 sure.

18 (5) PARTICIPATE.—The term “participate”,
19 with respect to acts constituting a covered interven-
20 tion as defined in paragraph (1), means directly en-
21 gaging in the planning, authorization, prescription,
22 administration, or performance of any such act, in-
23 cluding any of the following:

24 (A) Prescribing puberty blockers, sex hor-
25 mones, or related medications with the intent to

1 delay, halt, or interrupt an individual’s puberty
2 or to alter an individual’s physical appearance
3 or reproductive function to align with an iden-
4 tity differing from his or her sex.

5 (B) Administering medications or treat-
6 ments described in subparagraph (A) with such
7 intent, whether by injection, oral delivery, or
8 other means.

9 (C) Performing surgical procedures that
10 attempt to transform an individual’s appear-
11 ance to no longer correspond to the individual’s
12 sex as part of a covered intervention.

13 (D) Authorizing or directing such covered
14 intervention as a supervising health care profes-
15 sional or institutional representative.

16 (E) Knowingly planning or coordinating
17 the provision of treatments or procedures de-
18 scribed above in subparagraph (A), (C), or (D)
19 with the intent to facilitate a covered interven-
20 tion.

21 (6) SEX.—The term “sex” means a person’s
22 immutable biological classification, determined at the
23 moment of conception, as either male or female, as
24 follows:

1 (A) The term “female” is a person who
2 naturally has, had, will have, or would have but
3 for a congenital anomaly or intentional or unin-
4 tentional disruption, the reproductive system
5 that produces, transports, and utilizes the large
6 gamete (ova) for fertilization.

7 (B) The term “male” is a person who nat-
8 urally has, had, will have, or would have but for
9 a congenital anomaly or intentional or uninten-
10 tional disruption, the reproductive system that
11 produces, transports, and utilizes the small ga-
12 mete (sperm) for fertilization.

13 .

14 **SEC. 3. PRIVATE RIGHT OF ACTION.**

15 (a) IN GENERAL.—An individual subjected as a child
16 to a covered intervention, or the parents or legal guardians
17 of such individual, may bring a civil action in an appro-
18 priate district court of the United States for damages
19 against any health care professional, hospital, or clinic
20 who participates in the covered intervention on that child.
21 Such a cause of action shall be available regardless of
22 whether the alleged covered intervention occurred before,
23 on, or after the date of enactment of this Act.

24 (b) DAMAGES.—Damages available pursuant to such
25 an action may include—

1 (1) compensatory damages, including all eco-
2 nomic damages associated with undoing, correcting,
3 or ameliorating the effects or results of any covered
4 intervention;

5 (2) non-economic damages for emotional dis-
6 tress and pain and suffering; and

7 (3) punitive damages, if the claimant proves by
8 clear and convincing evidence that the defendant
9 against whom punitive damages are sought acted
10 maliciously, intentionally, fraudulently, or recklessly.

11 (c) STRICT LIABILITY.—Any health care profes-
12 sional, hospital, or clinic whose participation in a covered
13 intervention on a child after the date of enactment of this
14 Act is proven by clear and convincing evidence shall be
15 strictly liable for damages for any such intervention. If
16 a treatment qualifies under an exception specified in
17 clauses (i) through (iii) of section 2(2)(B), and that is
18 raised as an affirmative defense to a violation of this Act,
19 the health care professional, hospital, or clinic shall bear
20 the burden of proving by clear and convincing evidence
21 that such exception applies.

22 (d) CIRCUMSTANCES DESCRIBED.—The cir-
23 cumstances described in this subsection are that—

24 (1) the defendant or child traveled in interstate
25 or foreign commerce, or traveled using a means,

1 channel, facility, or instrumentality of interstate or
2 foreign commerce, in furtherance of or in connection
3 with the participation in the covered intervention;

4 (2) the defendant used a means, channel, facil-
5 ity, or instrumentality of interstate or foreign com-
6 merce in furtherance of or in connection with the
7 participation in the covered intervention;

8 (3) any payment of any kind was made, directly
9 or indirectly, in furtherance of or in connection with
10 the participation in the covered intervention using
11 any means, channel, facility, or instrumentality of
12 interstate or foreign commerce or in or affecting
13 interstate or foreign commerce;

14 (4) the defendant transmitted in interstate or
15 foreign commerce any communication relating to or
16 in furtherance of the participation in the covered
17 intervention using any means, channel, facility, or
18 instrumentality of interstate or foreign commerce or
19 in or affecting interstate or foreign commerce by any
20 means or in any manner, including by computer,
21 mail, wire, or electromagnetic transmission;

22 (5) any instrument, item, substance, or other
23 object that has traveled in interstate or foreign com-
24 merce was used to perform the covered intervention;

1 (6) the covered intervention occurred within the
2 District of Columbia, the special maritime and terri-
3 torial jurisdiction of the United States, or any terri-
4 tory or possession of the United States; or

5 (7) the covered intervention otherwise occurred
6 in or affected interstate or foreign commerce.

7 **SEC. 4. RULES OF CONSTRUCTION.**

8 (a) **NO WAIVER.**—No liability for a health care pro-
9 fessional under these provisions may be waived.

10 (b) **AMBIGUITIES.**—Any ambiguities shall be resolved
11 against any party found to have engaged in participation
12 in a covered intervention on a child.

13 (c) **STANDARDS OF CARE.**—In any cases in which a
14 covered intervention on a child is shown to have occurred
15 before the date of enactment of this Act, there is limited
16 deference to prevailing standards of care to the extent that
17 such standards contradict the intent of this Act and it is
18 shown that the health care professional knew or should
19 have known that such standards of care were in serious,
20 scientific, and medical dispute at the time of the covered
21 intervention.

22 (d) **PROVISION OF INFORMATION.**—Nothing in this
23 Act shall be construed to prohibit a health care profes-
24 sional from providing information about all available treat-
25 ment options, discussing risks and benefits, or expressing

1 professional medical opinions, so long as such actions do
2 not constitute participation in a covered intervention.

3 **SEC. 5. STATUTE OF LIMITATIONS.**

4 An action under section 3 may be brought within 25
5 years from the date of the eighteenth birthday of an indi-
6 vidual subjected to a covered intervention as a child or
7 within 4 years from the time the cost of a detransition
8 treatment is incurred, whichever date is later.

9 **SEC. 6. SEVERABILITY.**

10 If any provision of this Act, or the application of such
11 a provision to any person or circumstance, is held to be
12 unconstitutional, the remainder of this Act, and the appli-
13 cation of the provision to any other person or cir-
14 cumstance, shall not be affected.

