

CO-SPONSORSHIP MEMORANDUM

To: Legislative Colleagues
From: Rep. Scott Allen, Rep. Dan Knodl, Rep. Chuck Whichgers, Rep. Rick Gundrum,
Rep. Ken Skowronski
Sen. André Jacque, Sen. Kathy Bernier, Sen. Duey Stroebel
Date: January 18, 2022
RE: Co-sponsorship of LRB-0396 relating to: *The Help Not Harm Act - Prohibiting sex reassignment of minors.*

DEADLINE: 5:00 P.M. on January 24th, 2022.

HELP NOT HARM ACT

Children who identify as transgender deserve help, not harm. When a child is struggling, he or she needs compassionate care. Research demonstrates that between 80-95% of children with discordant gender identity will come to identify with their bodily sex if natural development is allowed to proceed. The “recommended” four-step treatment process: social transition, puberty blockers, cross-sex hormones, and surgery, may in fact be harmful and irreversible.

Transitioning genders is also unproven to be effective in treating gender dysphoria. People who struggle with other kinds of dysphorias, such as anorexia, are not enabled in altering their bodies as they desire. Instead, care is provided to help them find healthy ways to manage their tension. Of additional concern is that long term studies have reported that people who undergo gender transition have a suicide rate about 20 times higher than their peers, suggesting that altering the body doesn’t address underlying mental health challenges. Hormone treatments nor surgery won’t heal a hurting heart. Instead, we need to give kids real, compassionate care.

Children are especially vulnerable and we must protect them and allow for their natural development. Boys and girls do not need to conform to narrow stereotypes.

Public policy in this regard should not depart from other public policy tenets with regard to the health and well-being of minors. Minors are not allowed to smoke tobacco or drink alcohol - these are not within the domain of parental discretion. Minors may not procure or view pornography or engage in sexual activity. We restrict minors’ ability to work as well as drive a car. We limit the ability of minors to make life altering decisions in areas of marriage, military service, and financial contracts. Time and experience has taught us that young people need to be fully grown to have the mental faculties to make such substantial decisions, and we have deemed it to be within the public interest to restrict parental discretion as well.

To co-sponsor this bill, please respond to this email or contact the office of Rep. Allen at x6-8580 or Sen. Jacque at x6-3512. Cosponsors will be added to both versions of the bill unless otherwise specified.

Analysis by the Legislative Reference Bureau

This bill prohibits physician and health care providers from providing any gender transition procedure to an individual under 18 years of age. The bill also prohibits a physician or health care provider from referring an individual under 18 years of age to any other health care provider for any gender transition procedure. "Gender transition procedure" is defined in the bill as a medical or surgical service provided or performed for the purpose of assisting an individual with a physical gender transition.

Under the bill, no one may use public moneys for any entity, organization, or individual that provides any gender transition procedure to an individual under 18 years of age. Facilities owned by and health care providers employed by the state may not include gender transition procedures for individuals under 18 years of age in their provided health care services. Under the bill, amounts paid by an entity, organization, or individual for a gender transition procedure or for premiums for health care coverage that includes gender transition procedures is not tax deductible.

The bill prohibits the Department of Health Services from reimbursing or providing as a benefit under the Medical Assistance program any gender transition procedure for an individual under 18 years of age. The bill also prohibits a health insurance policy or self-insured governmental health plan from providing coverage of any gender transition procedure for an individual under 18 years of age. Health insurance policies are referred to in the bill as disability insurance policies.

The bill specifies that a violation of the prohibitions on providing to an individual under 18 years of age, or referring an individual under 18 years of age for, a gender transition procedure is presumed to be reckless conduct for purposes of civil liability. The bill explicitly allows an individual injured by such a violation or a parent, guardian, or legal representative of an injured individual to bring a claim for any of the damages specified in the bill. The action must be commenced before 30 years after the date the injured individual reached the age of 18. A legal disability of the injured individual when the individual attains the age of 18 tolls the time to bring the action until the disability is resolved. Any time during which the injured individual is subject to threats, intimidation, manipulation, fraudulent concealment, or fraud by the physician or health care provider involved in the gender transition procedure or a person acting in that physician's or health care provider's interest also tolls the time to bring the action. Under the bill, an allegation that a physician violated either of the prohibitions on providing to an individual under 18 years of age, or referring an individual under 18 years of age for, a gender transition procedure is considered an allegation of unprofessional conduct, and the Medical Examining Board is required to investigate allegations of unprofessional conduct.

The attorney general and any district attorney is also authorized to bring an action to enforce the bill.