HOUSE BILL NO. 342

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FOURTH LEGISLATURE - SECOND SESSION

BY REPRESENTATIVE ALLARD

Introduced: 2/23/26
Referred: Health and Social Services, Judiciary

A BILL

FOR AN ACT ENTITLED

"An Act relating to physician liability for sex-reassignment treatments or procedures performed on minors; relating to standardized informed consent forms for sex-reassignment treatments or procedures; relating to the duties of the State Medical Board; relating to informed consent for sex-reassignment treatments or procedures performed on minors; establishing the crime of criminal sex-reassignment treatment or procedure; and providing for an effective date."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

*** Section 1.** AS 08.64.101(a) is amended to read:

(a) The board shall

(1) except as provided in regulations adopted by the board under (b) of this section, examine and issue licenses to applicants;

(2) develop written guidelines to ensure that licensing requirements are not unreasonably burdensome and the issuance of licenses is not unreasonably

withheld or delayed;

(3) after a hearing, impose disciplinary sanctions on persons who violate this chapter or the regulations or orders of the board;

(4) adopt regulations ensuring that renewal of licenses is contingent on proof of continued competency on the part of the licensee;

(5) under regulations adopted by the board, contract with private professional organizations to establish an impaired medical professionals program to identify, confront, evaluate, and treat persons licensed under this chapter who abuse alcohol, other drugs, or other substances or are mentally ill or cognitively impaired;

(6) adopt regulations that establish guidelines for a physician or physician assistant who is rendering a diagnosis, providing treatment, or prescribing, dispensing, or administering a prescription drug to a person without conducting a physical examination under AS 08.64.364; the guidelines must include a nationally recognized model policy for standards of care of a patient who is at a different location than the physician or physician assistant;

(7) require that a licensee who has a federal Drug Enforcement Administration registration number register with the controlled substance prescription database under AS 17.30.200(n)**;**

(8) create a standardized informed consent form that complies with AS 08.64.135 for a patient to complete before a physician performs a sex-reassignment treatment or procedure.

*** Sec. 2.** AS 08.64 is amended by adding a new section to read:

Sec. 08.64.135. Standardized informed consent form for sex-reassignment treatments or procedures. The board shall require a physician to provide a standardized informed consent form to a patient at every visit for a sex-reassignment treatment or procedure for a period of not less than one year. The form must state the following in a font not smaller than 14 points:

(1) the United States Food and Drug Administration has not approved the use of puberty blockers or the prescription or administration of hormones or hormone antagonists for the purpose of treating gender dysphoria or gender incongruence;

(2) governments of other countries, including the United Kingdom, Sweden, and Finland, have studied the use of puberty blockers and the prescription or administration of hormones or hormone antagonists and have concluded that there is no reliable evidence to support the notion that the potential benefits of these treatments outweigh the risks; these governments instead recommend psychotherapy as the first line of treatment for minors with gender dysphoria;

(3) the use of puberty blockers or the prescription or administration of hormones or hormone antagonists for the purpose of treating gender dysphoria or gender incongruence

(A) increases the risk that a minor will become sterile, preventing future conception of a child;

(B) carries the risk of physical harm, including decreased bone density, heart disease, stroke, and cancer;

(C) has unknown effects on the brain development of minors.

*** Sec. 3.** AS 08.64.380 is amended by adding a new paragraph to read:

(8) "sex-reassignment treatment or procedure" means

(A) the prescription or administration of puberty blockers for the purpose of delaying or stopping puberty in an individual to affirm an individual's perception of the individual's sex if that perception is inconsistent with the individual's sex;

(B) the prescription or administration of hormones or hormone antagonists to affirm an individual's perception of the individual's sex if that perception is inconsistent with the individual's sex;

(C) any surgical procedure used to affirm an individual's perception of the individual's sex if that perception is inconsistent with the individual's sex.

*** Sec. 4.** AS 09.10.055(b) is amended to read:

(b) This section does not apply if

(1) the personal injury, death, or property damage resulted from

(A) prolonged exposure to hazardous waste;

(B) an intentional act or gross negligence;

(C) fraud or misrepresentation;

(D) breach of an express warranty or guarantee;

(E) a defective product; in this subparagraph, "product" means an object that has intrinsic value, is capable of delivery as an assembled whole or as a component part, and is introduced into trade or commerce; or

(F) breach of trust or fiduciary duty;

(2) the facts that would give notice of a potential cause of action are intentionally concealed;

(3) a shorter period of time for bringing the action is imposed under another provision of law;

(4) the provisions of this section are waived by contract; [OR]

(5) the facts that would constitute accrual of a cause of action of a minor are not discoverable in the exercise of reasonable care by the minor's parent or guardian**; or**

(6) the action is brought under AS 09.65.175.

*** Sec. 5.** AS 09.55.549(f) is amended to read:

(f) The limitation on noneconomic damages in this section does not apply if the damages resulted from an act or omission that constitutes reckless or intentional misconduct **or from an action brought under AS 09.65.175**.

*** Sec. 6.** AS 09.55.556 is amended by adding a new subsection to read:

(c) An individual under 18 years of age may not consent to a sex-reassignment treatment or procedure. In this section, "sex-reassignment treatment or procedure" means

(1) the prescription or administration of puberty blockers for the purpose of delaying or stopping puberty in an individual to affirm an individual's perception of the individual's sex if that perception is inconsistent with the individual's sex;

(2) the prescription or administration of hormones or hormone antagonists to affirm an individual's perception of the individual's sex if that perception is inconsistent with the individual's sex;

(3) any surgical procedure used to affirm an individual's perception of

the individual's sex if that perception is inconsistent with the individual's sex.

*** Sec. 7.** AS 09.65 is amended by adding a new section to read:

Sec. 09.65.175. Civil liability for sex-reassignment treatments or procedures performed on minors. (a) An individual who, as a minor under 18 years of age, received a sex-reassignment treatment or procedure may maintain a claim for recovery of damages against the physician who performed the procedure for an injury or condition suffered as a result of the procedure. An action brought under this section must be commenced within 20 years after the accrual of the cause of action.

(b) If an individual who received a sex-reassignment treatment or procedure as a minor is incompetent because of mental illness or mental disability, the individual's parent or legal guardian may bring an action under this section on behalf of the individual.

(c) The cause of action created by this section does not apply to a medical treatment or procedure to treat an individual who was born with a medically verifiable sexual development genetic disorder, including

(1) ambiguous external biological sex characteristics;

(2) a sexual development disorder

(A) caused by abnormal sex chromosome structures, sex steroid production, or sex steroid hormone action for the individual's sex; and

(B) discovered through genetic or biochemical testing;

(3) an infection, injury, disease, or disorder caused or exacerbated by a previous sex-reassignment treatment or procedure; or

(4) a physical disorder, physical injury, or physical illness that would place the individual in imminent danger of death or impairment of a major bodily function without the sex-reassignment treatment or procedure.

(d) In this section,

(1) "minor" means an individual under 18 years of age who is not an emancipated minor;

(2) "physician" means a person licensed as a physician under AS 08.64;

(3) "sex" means the classification of an individual as male or female

based on the individual's reproductive role, indicated by the individual's sex chromosomes, naturally occurring sex hormones, and internal and external genitalia present at birth;

(4) "sex-reassignment treatment or procedure" means

(A) the prescription or administration of puberty blockers for the purpose of delaying or stopping puberty in an individual to affirm an individual's perception of the individual's sex if that perception is inconsistent with the individual's sex;

(B) the prescription or administration of hormones or hormone antagonists to affirm an individual's perception of the individual's sex if that perception is inconsistent with the individual's sex;

(C) any surgical procedure used to affirm an individual's perception of the individual's sex if that perception is inconsistent with the individual's sex.

*** Sec. 8.** AS 11.41 is amended by adding a new section to read:

Sec. 11.41.245. Criminal sex-reassignment treatment or procedure. (a) A person commits the crime of criminal sex-reassignment treatment or procedure if the person knowingly performs a sex-reassignment treatment or procedure on

(1) a minor; or

(2) an individual over 18 years of age without the voluntary, informed, and written consent of the individual.

(b) For the purposes of this section, consent is considered voluntary, informed, and written if, before an individual's initial sex-reassignment treatment or procedure, the physician performing the sex-reassignment treatment or procedure, while physically present in the same room as the individual,

(1) informs the individual of the nature and risks of the sex-reassignment treatment or procedure;

(2) provides the individual with a standardized informed consent form created by the State Medical Board under AS 08.64.101(a)(8); and

(3) receives the individual's written acknowledgment that the individual received the information required by this subsection.

(c) In a prosecution under this section, it is an affirmative defense that the defendant is a physician who provided a medical treatment or procedure to treat

(1) a minor with ambiguous external biological sex characteristics;

(2) a minor with a sexual development disorder discovered through genetic or biochemical testing, caused by abnormal sex chromosome structures, sex steroid production, or sex steroid hormone action for the sex of the minor at birth;

(3) an infection, injury, disease, or disorder caused or exacerbated by a previous sex-reassignment treatment or procedure; or

(4) a physical disorder, physical injury, or physical illness that would place the individual in imminent danger of death or impairment of a major bodily function without the sex-reassignment treatment or procedure.

(d) In this section,

(1) "minor" means an individual under 18 years of age who is not an emancipated minor;

(2) "physician" means a person licensed as a physician under AS 08.64;

(3) "sex" means the classification of an individual as male or female based on the individual's reproductive role, indicated by the individual's sex chromosomes, naturally occurring sex hormones, and internal and external genitalia present at birth;

(4) "sex-reassignment treatment or procedure" means

(A) the prescription or administration of puberty blockers for the purpose of delaying or stopping puberty in an individual to affirm an individual's perception of the individual's sex if that perception is inconsistent with the individual's sex;

(B) the prescription or administration of hormones or hormone antagonists to affirm an individual's perception of the individual's sex if that perception is inconsistent with the individual's sex;

(C) any surgical procedure used to affirm an individual's perception of the individual's sex if that perception is inconsistent with the individual's sex.

(e) Criminal sex-reassignment treatment or procedure is a class C felony.

*** Sec. 9.** The uncodified law of the State of Alaska is amended by adding a new section to read:

APPLICABILITY. (a) AS 09.65.175, enacted by sec. 7 of this Act, applies to a sex-reassignment treatment or procedure that began or was completed on or after the effective date of this Act.

(b) AS 11.41.245, enacted by sec. 8 of this Act, applies to an offense committed on or after the effective date of this Act.

*** Sec. 10.** The uncodified law of the State of Alaska is amended by adding a new section to read:

TRANSITION: REGULATIONS ON STANDARDS OF CARE. Notwithstanding AS 09.55.556(c), enacted by sec. 6 of this Act, AS 09.65.175, enacted by sec. 7 of this Act, and AS 11.41.245, enacted by sec. 8 of this Act, the State Medical Board shall adopt regulations establishing standards of care under which a physician may, for a period ending six months after the effective date of this Act, under regulations adopted by the State Medical Board, temporarily continue to prescribe or administer a puberty blocker, hormone, or hormone antagonist as part of a sex-reassignment treatment or procedure for a minor patient whom the physician began treating with the puberty blocker, hormone, or hormone antagonist before the effective date of this Act, for the sole purpose of reducing and discontinuing the minor's use of the puberty blocker, hormone, or hormone antagonist. In adopting regulations under this section, the board shall prioritize the provision of professional counseling services for the patient during and after the patient's use of the prescription treatment. In this section, "sex-reassignment treatment or procedure" means

(1) the prescription or administration of puberty blockers for the purpose of delaying or stopping puberty in an individual to affirm an individual's perception of the individual's sex if that perception is inconsistent with the individual's sex;

(2) the prescription or administration of hormones or hormone antagonists to affirm an individual's perception of the individual's sex if that perception is inconsistent with the individual's sex;

(3) any surgical procedure used to affirm an individual's perception of the individual's sex if that perception is inconsistent with the individual's sex.

*** Sec. 11.** This Act takes effect immediately under AS 01.10.070(c).