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THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 843 Session of 2025

INTRODUCED BY J. WARD, STEFANO, HUTCHINSON, MARTIN, DUSH, KEEFER, MASTRIANO AND BAKER, JUNE 9, 2025

REFERRED TO HEALTH AND HUMAN SERVICES, JUNE 9, 2025

AN ACT

Prohibiting minor medical procedures that cause permanent and irreparable damage due to certain sex transitioning procedures; prescribing penalties; and establishing a private right of action.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Short title.

This act shall be known and may be cited as the Do No Harm Act.

Section 2. Definitions.

The following words and phrases when used in this act shall have the meanings given to them in this section unless the context clearly indicates otherwise:

"Congenital defect." A physical or chemical abnormality present in a minor that is inconsistent with the normal development of a human being of the minor's sex, including an abnormality caused by a medically verifiable disorder of sex development. The term does not include gender dysphoria, gender identity disorder, gender incongruence or a mental condition,

disorder, disability or abnormality.

"Government program." A program of government-sponsored or government-subsidized health care coverage, including:

(1) The Children's Health Insurance Program under Article XXIII-A of the act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921.

(2) The medical assistance program under Subdivision (f) of Article IV of the act of June 13, 1967 (P.L.31, No.21), known as the Human Services Code.

"Health care practitioner." As defined in section 103 of the act of July 19, 1979 (P.L.130, No.48), known as the Health Care Facilities Act.

"Health insurance policy." A policy, subscriber contract, certificate or plan issued by an insurer that provides medical or health care coverage. The term includes a dental only and a vision only policy. The term does not include:

(1) An accident only policy.

(2) A credit only policy.

(3) A long-term care or disability income policy.

(4) A specified disease policy.

(5) A Medicare supplement policy.

(6) A TRICARE policy, including a Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) supplement policy.

(7) A fixed indemnity policy.

(8) A hospital indemnity policy.

(9) A worker's compensation policy.

(10) An automobile medical payment policy under 75 Pa.C.S. (relating to vehicles).

(11) A homeowner's insurance policy.

(12) Any other similar policy providing for limited benefits.

"Insurer." An entity licensed by the Insurance Department of the Commonwealth that offers, issues or renews a health insurance policy and is governed under any of the following:

(1) The act of December 29, 1972 (P.L.1701, No.364), known as the Health Maintenance Organization Act.

(2) 40 Pa.C.S. Ch. 61 (relating to hospital plan corporations).

(3) 40 Pa.C.S. Ch. 63 (relating to professional health services plan corporations).

"Licensing board." A licensing board within the Bureau of Professional and Occupational Affairs of the Department of State with jurisdiction over a health care practitioner.

"Medical procedure." Surgical removal, modification, alteration or entry into the tissue, cavity or organ of an individual. The term includes prescribing, administering or dispensing a puberty blocker, hormone, anti-androgen or dihydrotestosterone-blocker to an individual.

"Minor." An individual who is under 18 years of age.

"Physician." A medical doctor or doctor of osteopathy.

"Puberty blocker." A drug or device that suppresses the production of hormones in a minor's body to stop, delay or suppress pubertal development.

"Sex." An individual's immutable characteristics of the reproductive system that define the individual as male or female, as determined by anatomy and genetics existing at the time of birth.

Section 3. Prohibiting medical procedures on minors.

(a) Health care practitioners.--A health care practitioner

may not knowingly perform or offer to perform on a minor, administer or offer to administer to a minor, or prescribe or offer to prescribe a minor or provide or offer to provide a minor with a referral in this Commonwealth for, a medical procedure if the performance or administration of the procedure is for the purpose of:

(1) enabling the minor to identify with or live as a purported identity inconsistent with the minor's sex; or

(2) treating purported discomfort or distress from a discordance between the minor's sex and asserted identity.

(b) Construction.--

(1) Nothing in this section shall be construed to restrict any of the following:

(i) A service provided to an individual born with a congenital defect, precocious puberty, disease or physical injury. For the purposes of this subparagraph, the term "disease" does not include gender dysphoria, gender identity disorder, gender incongruence or a mental condition, disorder, disability or abnormality.

(ii) A medically necessary procedure, as determined by a physician, undertaken to prevent death or impairment of a major bodily function.

(iii) A medical procedure on a minor, the performance or administration of which began prior to the effective date of this section and concludes within 365 days after the effective date of this section if:

(A) the minor's treating physician certifies in writing that, in the physician's good faith medical judgment, based upon the facts known to the physician at the time, ending the medical procedure would be

physically harmful to the minor; and

(B) the certification includes findings supporting the certification and must be made a part of the minor's medical record.

(2) Nothing in paragraph (1)(iii) shall be construed to authorize a health care practitioner to perform or administer a medical procedure that is different from the medical procedure performed prior to the effective date of this section when the sole purpose of the subsequent medical procedure is to:

(i) enable the minor to identify with, or live as, a purported identity inconsistent with the minor's sex; or

(ii) treat purported discomfort or distress from a discordance between the minor's sex and asserted identity.

Section 4. Additional prohibitions.

(a) Insurers.--Except as authorized under section 3(b), an insurer may not provide a health insurance policy to provide coverage for medical procedures outlined under section 3(a).

(b) Government programs.--Except as authorized under section 3(b), a government program may not provide coverage for medical procedures described under section 3(a).

Section 5. Penalties and enforcement.

(a) Licensure discipline.--A health care practitioner who violates section 3(a) shall be subject to discipline by the applicable licensing board with jurisdiction over the health care practitioner. A licensing board with jurisdiction over a health care practitioner who violates section 3(a) shall consider the violation to be a violation of the health care practitioner's scope of practice as specified under State law

and grounds for professional misconduct, sanctions and discipline as specified under State law.

(b) Private right of action.--A minor or legal guardian of a minor who is aggrieved by a violation of section 3(a) may bring an action in a court of proper jurisdiction for damages and injunctive relief against the health care practitioner who has committed or attempted to commit the violation.

(c) Limitations.--An action under subsection (b) must be brought no later than two years after the day the minor reaches the age of majority.

(d) Criminal penalty.--A person who violates section 3(a) commits a felony of the third degree.

(e) Enforcement.--

(1) The Attorney General shall have the power and duty to enforce this section and may take such action as may be necessary to ascertain and investigate alleged violations of this section.

(2) The Attorney General and the district attorneys of the several counties shall have concurrent authority to institute criminal proceedings under this section.

(3) Nothing contained in this subsection shall be construed to limit the regulatory or investigative authority of any department or agency of the Commonwealth whose functions might relate to persons falling within the scope of this section.

Section 6. Severability.

The provisions of this act are severable. If any provision of this act or its application to any person or circumstance is held invalid, the invalidity shall not affect other provisions or applications of this act which can be given effect without

the invalid provision or application.

Section 7. Effective date.

This act shall take effect in 60 days.