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HOUSE BILL 1872

By Zachary

AN ACT to amend Tennessee Code Annotated, Title 29; Title 63 and Title 68, relative to private causes of action.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 29, Chapter 26, is amended by adding the following as a new section:

(a) As used in this section:

(1) "Healthcare professional" means an individual, establishment, or facility licensed, registered, certified, or permitted to provide health care to individuals in this state pursuant to title 63 or 68 and under the regulatory authority of:

(A) The department of health;

(B) An agency, board, council, or committee attached to the department of health; or

(C) The health facilities commission;

(2) "Medical procedure" means:

(A) Surgically removing, modifying, altering, or entering into tissues, cavities, or organs of a human being; or

(B) Prescribing, administering, or dispensing any puberty blocker or hormone to a human being;

(3) "Minor" means an individual under eighteen (18) years of age;

(4) "Person" means an individual eighteen (18) years of age or older; and

(5) "Sex" means a person'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.

(b) A person may bring a civil action to recover compensatory damages, punitive damages, and reasonable attorney fees, court costs, and expenses against a healthcare professional for an injury that is a result of a medical procedure, if:

(1) The medical procedure was for the purpose of enabling the person to identify with, or live as, a purported identity inconsistent with the person's sex or treating purported discomfort or distress from a discordance between the person's sex and asserted identity; and

(2) The person consented, or if the person was a minor at the time of the medical procedure, the person's parent, guardian, or legal representative consented, in whole or in part, due to an act of coercion by the healthcare professional.

(c) A civil action brought pursuant to subsection (b) must be brought:

(1) If the medical procedure occurred before the effective date of this act, pursuant to this part; or

(2) If the medical procedure occurs on or after the effective date of this act, then notwithstanding §§ 28-3-104 and 29-26-116, no later than eighteen (18) years after the later of:

(A) The date the medical procedure occurred; or

(B) If the injury was not known to the person at the time of the medical procedure, the date the person first obtained knowledge of the injury that resulted from the medical procedure.

SECTION 2. If any provision of this act or its application to any person or circumstance is held invalid, then the invalidity does not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to that end, the provisions of this act are severable.

SECTION 3. This act takes effect upon becoming a law, the public welfare requiring it.