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KENTUCKY GENERAL ASSEMBLY AMENDMENT FORM
2023 REGULAR SESSION

Amend printed copy of **HB 470/SCS 1**

Beginning on page 1, line 3, and continuing through page 30, line 9, by deleting Sections 1 to 13 in their entirety and inserting the following in lieu thereof:

"➔SECTION 1. A NEW SECTION OF KRS CHAPTER 311 IS CREATED TO READ AS FOLLOWS:

(1) Notwithstanding any other provision of the law, no person shall provide any:

(a) Surgical medical treatment to a child under the age of eighteen (18) years for gender dysphoria; or

(b) Nonsurgical medical treatment to a child under the age of eighteen (18) years for gender dysphoria without the written, notarized consent of the child's parent or parents, or legal guardian.

(2) Any nonsurgical medical treatment provided to a child under the age of eighteen (18) years for gender dysphoria shall:

(a) Be provided only to a child who has a medical diagnosis of gender dysphoria by a pediatric psychiatrist licensed in Kentucky;

(b) Be provided by a licensed physician who is appropriately trained and experienced in providing nonsurgical medical treatments for children with gender dysphoria in collaboration with a clinical psychologist or psychiatrist;

(c) Be limited to appropriate nonsurgical medical treatments for children with gender

Amendment No. SFA

Rep. Sen. Lindsey Tichenor

Committee Amendment _____

Signed: _____

Floor Amendment _____

LRD Drafter: _____

Adopted: _____

Date: _____

Rejected: _____

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dysphoria that:

1. May include reversible puberty-blocking drugs approved by the United States Food and Drug Administration for adolescents that are used to stop luteinizing hormone and follicle stimulating hormone secretion, synthetic antiandrogen drugs used to block the androgen receptor, or any other drug used to delay or suppress pubertal development; and
2. Shall not include cross-sex hormones, including testosterone, estrogen, or other androgens given to a person in amounts that are larger or more potent than would normally occur naturally in a healthy person of the same age and sex;
- (d) Meet evidence-based medical standards of care for the treatment of children with gender dysphoria; and
- (e) Include mental health services that address a person's sex or gender but that do not promote gender transition.
- (3) Notwithstanding any other provision of the law to the contrary, including KRS 214.185, if any act in subsection (1) or (2) of this section results in personal injury, an action may be brought by the person's parent or guardian before the person attains the age of eighteen (18) years and may be brought by the person within thirty (30) years after attaining the age of eighteen (18) years, except that:
 - (a) If, at the time the person attains the age of eighteen (18) years, he or she is under other legal disability, the limitation period shall not begin to run until the removal of the disability; and
 - (b) If, during any period of time, the person is subject to threats, intimidation, manipulation, fraudulent concealment, or fraud perpetrated by the health care provider who prescribed or otherwise provided gender transition services or by any

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- person acting in the interest of the health care provider, the limitation period shall not run during this time period.
- (4) The right of action for personal injury under this section shall not cease or die with the person injuring or the person injured. An action may be brought or revived under this section by the personal representative or against the personal representative, heir, or devisee.
- (5) In an action brought under this section:
- (a) If the plaintiff prevails, he or she shall be entitled to reasonable costs and attorney's fees;
- (b) Compensatory damages may be awardable, including but not limited to:
1. Pain and suffering;
 2. Loss of reputation;
 3. Loss of income;
 4. Loss of consortium between spouses;
 5. Loss of consortium between parent and child; and
 6. Loss of enjoyment of life, including the expectation or experience of biological parenthood; and
- (c) Injunctive, declaratory, punitive, and any other appropriate relief may be awarded.
- (6) Notwithstanding any other provision of law to the contrary, an action under this section may be commenced and relief may be granted in a judicial proceeding without regard to whether anyone commencing the action has sought or exhausted available contractual or administrative remedies.
- (7) Nothing in this section shall be construed as precluding legal action under any other applicable statute.
- (8) Qualified official immunity to suit and from liability are waived to the extent of liability

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created by this section."; and

Renumber subsequent sections accordingly; and

On page 36, line 19, by deleting "Sections 1 to 12" and inserting "Section 1" in lieu thereof;

and

On page 36, line 21, by deleting "13 to 16" and inserting "2 to 4" in lieu thereof.