



distributing puberty-blocking drugs or cross-sex hormones to someone under 18 to aid in gender transitioning.

**Section 4** would prohibit public money directly or indirectly used, granted, paid, or distributed to a provider of gender transition services to those under 18. That section would also prohibit a health care provider owned, operated, or employed by a local government provide gender transition services to those under 18.

**Section 6** would create a new section of KRS Chapter 205 to prohibit Medicaid and any managed care organization providing Medicaid or Kentucky Children's Health Insurance Program (CHIP) benefits reimbursing or providing coverage for gender transition services to persons under age 18. An insurer who does so would be jointly and severally liable for any damages resulting from those services.

**Section 7** would provide that an insurer who covers gender transition services for persons under age 18 would be jointly and severally liable for civil damages arising from those services.

**Section 8** would prohibit a health benefit plan or self-insured plan issued to public employees covering gender transition services for persons under 18.

**Section 9** would, to the extent consistent with the Kentucky Constitution, expand personal jurisdiction of Kentucky courts to include a person who is a party to a civil action as a result of causing tortious injury in Kentucky by designing, manufacturing, or marketing products outside Kentucky which are used, consumed, or readily available for purchase in Kentucky.

**Section 10** would amend KRS 141.039, which addresses calculating gross and net income for corporations, to require that gross income include deductions directly or indirectly related to providing gender transition services as defined in Section 1 of the Act for a person under 18.

**Section 12** would amend KRS 401.020, regarding changing one's name, to prohibit a name change if the court finds that the purpose is to assist a person under age 18 with gender transition.

**Section 13** would prohibit classification of the sex of any person under age 18 for purposes of Kentucky's Juvenile Code at KRS Chapters 600 to 645 to be a sex other than, as defined in Section 1 of the bill, the biological state of being male or female based on a person's chromosomes; would prohibit the Department of Juvenile Justice classifying the sex of any detained person under age 18 to be a sex other than, as defined in Section 1 of the bill, the biological state of being male or female based on a person's chromosomes.

**The fiscal impact of HB 146 GA on local governments is indeterminable.** Kentucky Medicaid currently explicitly excludes coverage for transgender-related health care. Neither do local health departments currently offer transgender-related health care.

The Kentucky Hospital Association was consulted to determine if HB 470 GA would have a fiscal impact on locally-owned public hospitals; the KHA believes the bill will not have a fiscal impact on locally-owned hospitals.

The expense to a local government of investigating a report that a local publicly-funded health care provider has provided gender transition services to a person under 18, in compliance with Section 2 of the bill, is unknown.

### **Part III: Differences to Local Government Mandate Statement from Prior Versions**

Part II applies to the GA version of HB 470. The GA version adopts the House Committee Substitute to HB 470 as introduced. The HCS incorporated the following changes into the GA version:

1. Deleted reference to social transition services by health care and mental health providers;
2. Deleted references to schools and public-school counselors, school-based mental health services providers or other public employees;
3. Expanded personal jurisdiction of Kentucky courts;
4. Deleted Section 17 which had established an effective date for the bill of January 1, 2024; and
5. Deleted criminal penalties for health care providers who don't report providing gender transition services;

**Data Source(s):** Kentucky Hospital Association; LRC staff

**Preparer:** Mary Stephens (JB) **Reviewer:** KHC **Date:** 3/6/23