Local Government Mandate Statement Kentucky Legislative Research Commission 2023 Regular Session

Part I: Measure Information

Bill Request #: 134					
Bill #: HB 470 SCS 1					
Document ID #: <u>6181</u>					
Bill Subject/Title: AN ACT relating to the protection of children.					
Sponsor: Representative Jennifer H. Decker					
Unit of Government: X City X County Multiple X County X Urban-County Unified Local X Urban-County X					
X Charter County X Consolidated Local X Government					
Office(s) Impacted:health care services; hospitals; schools					
Requirement: X Mandatory Optional					
Effect on Powers & Duties: X Modifies Existing Adds New Eliminates Existing					

Part II: Bill Provisions and the Estimated Fiscal Impact Relating to Local Government

In regards to the potential impact to local governments, HB 470 SCS 1 Section 1 would define terms used in the Act.

Section 2 would create a new chapter of KRS Chapter 311 to establish that providing gender transition services, defined in Section 1, to a person younger than 18 years is unethical and unprofessional conduct; doing so would establish the health care provider as unfit for his or her position or occupation as a health care provider and would require the licensing or certifying agency of the provider to revoke the provider's license or certification.

Relevant to this mandate analysis, HB 470 SCS 1 would require that a local government investigate any report that a publicly funded health care provider or any instrumentality thereof has provided gender transition services to a person under 18. If the report is confirmed, or if the provider's license or certification is revoked for providing such services, the local government would be required to terminate public funding for that

provider.

Section 3 of the bill would waive qualified official immunity of government officials from civil liability arising out of personal injury to a plaintiff as a result of a publicly funded health care provider's gender transition services or dispensing, prescribing, or 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 5 would prohibit a health care provider owned, operated, or employed by a local government, special district, or instrumentality thereof intervening in a legal proceeding challenging specified sections of the Act.

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

The fiscal impact of HB 470 SCS 1 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 SCS 1 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 Senate Committee Substitute to HB 470 GA. The changes made within the SCS version from the GA version of the bill do not change the impact to local governments.

Data Source(s): Kentucky Hospital Association; LRC staff				
Preparer: Mary	Stephens Reviewer:	КНС	Date:	3/14/23