

ALASKA STATE LEGISLATURE
HOUSE JUDICIARY STANDING COMMITTEE

April 15, 2024

1:18 p.m.

MEMBERS PRESENT

Representative Sarah Vance, Chair
Representative Jamie Allard, Vice Chair
Representative Ben Carpenter
Representative Craig Johnson
Representative Jesse Sumner
Representative Andrew Gray
Representative Cliff Groh

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

HOUSE BILL NO. 386

"An Act relating to the obstruction of airports and runways; relating to the obstruction of highways; establishing the crime of obstruction of free passage in public places; relating to the obstruction of public places; relating to the crime of trespassing; relating to the obstruction of navigable waters; and providing for an effective date."

- HEARD & HELD

HOUSE BILL NO. 105

"An Act relating to parental rights in a child's education; relating to access to school records; relating to sex education, human reproduction education, and human sexuality education; relating to school disciplinary and safety programs; and providing for an effective date."

- HEARD & HELD

HOUSE BILL NO. 338

"An Act relating to physician liability for gender transition procedures performed on minors; and providing for an effective date."

- HEARD & HELD

PREVIOUS COMMITTEE ACTION

BILL: HB 386

SHORT TITLE: OBSTRUCTION OF PUBLIC PLACES; TRESPASSING

SPONSOR(s): RULES BY REQUEST OF THE GOVERNOR

02/21/24	(H)	READ THE FIRST TIME - REFERRALS
02/21/24	(H)	TRA, JUD
03/12/24	(H)	TRA AT 1:00 PM BARNES 124
03/12/24	(H)	Heard & Held
03/12/24	(H)	MINUTE(TRA)
03/14/24	(H)	TRA AT 1:00 PM BARNES 124
03/14/24	(H)	Scheduled but Not Heard
03/19/24	(H)	TRA AT 1:00 PM BARNES 124
03/19/24	(H)	Heard & Held
03/19/24	(H)	MINUTE(TRA)
03/21/24	(H)	TRA AT 1:00 PM BARNES 124
03/21/24	(H)	Moved HB 386 Out of Committee
03/21/24	(H)	MINUTE(TRA)
03/25/24	(H)	TRA RPT 5DP 1DNP 1AM
03/25/24	(H)	DP: MCKAY, VANCE, SUMNER, C.JOHNSON, MCCABE
03/25/24	(H)	DNP: MINA
03/25/24	(H)	AM: STUTES
04/10/24	(H)	JUD AT 1:00 PM GRUENBERG 120
04/10/24	(H)	-- MEETING CANCELED --
04/15/24	(H)	JUD AT 1:00 PM GRUENBERG 120

BILL: HB 105

SHORT TITLE: SEX/REPRODUCTION EDUCATION; SCHOOLS

SPONSOR(s): RULES BY REQUEST OF THE GOVERNOR

03/08/23	(H)	READ THE FIRST TIME - REFERRALS
03/08/23	(H)	EDC, JUD
03/13/23	(H)	EDC AT 8:00 AM DAVIS 106
03/13/23	(H)	Heard & Held
03/13/23	(H)	MINUTE(EDC)
03/29/23	(H)	EDC AT 8:00 AM DAVIS 106
03/29/23	(H)	Heard & Held
03/29/23	(H)	MINUTE(EDC)
03/30/23	(H)	EDC AT 5:15 PM DAVIS 106
03/30/23	(H)	Heard & Held
03/30/23	(H)	MINUTE(EDC)
04/13/23	(H)	EDC AT 5:15 PM BARNES 124
04/13/23	(H)	Heard & Held
04/13/23	(H)	MINUTE(EDC)

04/24/23 (H) EDC AT 8:00 AM DAVIS 106
 04/24/23 (H) Heard & Held
 04/24/23 (H) MINUTE(EDC)
 04/26/23 (H) EDC AT 8:00 AM DAVIS 106
 04/26/23 (H) Moved CSHB 105(EDC) Out of Committee
 04/26/23 (H) MINUTE(EDC)
 04/28/23 (H) EDC RPT CS(EDC) NEW TITLE 1DP 3DNP 1NR
 2AM
 04/28/23 (H) DP: PRAX
 04/28/23 (H) DNP: HIMSCHOOT, STORY, MCCORMICK
 04/28/23 (H) NR: RUFFRIDGE
 04/28/23 (H) AM: MCKAY, ALLARD
 04/28/23 (H) EDC AT 8:00 AM DAVIS 106
 04/28/23 (H) <Bill Hearing Canceled>
 05/01/23 (H) JUD AT 1:00 PM GRUENBERG 120
 05/01/23 (H) <Bill Hearing Canceled>
 01/31/24 (H) JUD AT 1:00 PM GRUENBERG 120
 01/31/24 (H) <Bill Hearing Canceled>
 04/15/24 (H) JUD AT 1:00 PM GRUENBERG 120

BILL: HB 338

SHORT TITLE: PHYS LBLTY: GENDER TRANS PROCEDURE;MINORS
 SPONSOR(s): ALLARD

02/20/24 (H) READ THE FIRST TIME - REFERRALS
 02/20/24 (H) JUD
 03/06/24 (H) JUD AT 1:00 PM GRUENBERG 120
 03/06/24 (H) <Bill Hearing Canceled>
 03/08/24 (H) JUD AT 1:00 PM GRUENBERG 120
 03/08/24 (H) <Bill Hearing Canceled>
 03/25/24 (H) JUD AT 1:00 PM GRUENBERG 120
 03/25/24 (H) <Bill Hearing Canceled>
 03/27/24 (H) JUD AT 1:00 PM GRUENBERG 120
 03/27/24 (H) <Bill Hearing Canceled>
 04/10/24 (H) JUD AT 1:00 PM GRUENBERG 120
 04/10/24 (H) -- MEETING CANCELED --
 04/15/24 (H) JUD AT 1:00 PM GRUENBERG 120

WITNESS REGISTER

TREG TAYLOR, Attorney General
 Office of the Attorney General
 Department of Law
 Anchorage, Alaska

POSITION STATEMENT: Presented HB 386, on behalf of the House
 Rules Standing Committee, sponsor by request of the governor,

with a PowerPoint presentation, entitled "Obstruction of Access to Public Places."

PARKER PATTERSON, Legislative Liaison
Department of Law
Juneau, Alaska

POSITION STATEMENT: Co-presented a PowerPoint presentation, entitled "Obstruction of Access to Public Places," on behalf of the House Rules Standing Committee, sponsor by request of the governor.

DEENA BISHOP, EdD, Commissioner
Office of the Commissioner
Department of Education and Early Development
Juneau, Alaska

POSITION STATEMENT: Presented CSHB 105(EDC), on behalf of the House Rules Standing Committee, sponsor by request of the governor.

BOB BALLINGER, Staff
Representative Sarah Vance
Alaska State Legislature
Juneau, Alaska

POSITION STATEMENT: Provided an explanation of changes in the proposed CS for HB 105, Version 0, on behalf of Representative Vance.

STEPHANIE WINN, representing self
Portland, Oregon

POSITION STATEMENT: Gave invited testimony during the hearing on HB 338.

IVAN ABDOUCH, PhD, representing self
(No address provided)

POSITION STATEMENT: Gave invited testimony during the hearing on HB 338.

ARII DEWOLF, representing self
(No address provided)

POSITION STATEMENT: Gave invited testimony during the hearing on HB 338.

MATT SHARP, Senior Counsel
Alliance Defending Freedom
(No address provided)

POSITION STATEMENT: Gave invited testimony during the hearing on HB 338.

ACTION NARRATIVE

[1:18:26 PM](#)

CHAIR VANCE called the House Judiciary Standing Committee meeting to order at 1:18 p.m. Representatives Carpenter, C. Johnson, Sumner, Gray, Groh, Allard, and Vance were present at the call to order.

HB 386-OBSTRUCTION OF PUBLIC PLACES; TRESPASSING

[1:19:23 PM](#)

CHAIR VANCE announced that the first order of business would be HOUSE BILL NO. 386, "An Act relating to the obstruction of airports and runways; relating to the obstruction of highways; establishing the crime of obstruction of free passage in public places; relating to the obstruction of public places; relating to the crime of trespassing; relating to the obstruction of navigable waters; and providing for an effective date."

[1:19:51 PM](#)

TREG TAYLOR, Attorney General, Office of the Attorney General, Department of Law (DOL), on behalf of the House Rules Standing Committee, sponsor by request of the governor, presented HB 386. He directed attention to a PowerPoint presentation, entitled "Obstruction of Access to Public Places" [hard copy included in the committee packet]. He began on slide 2, "HB 386 Overview," which read as follows [original punctuation provided]:

Alaskans have a constitutional right to freedom of movement within the state and to have free access to public places.

Alaskans also have a constitutional right to peaceably and lawfully assemble.

HB 386 is an Act to protect Alaskans' constitutional rights.

[1:21:00 PM](#)

MR. TAYLOR continued to slide 3, "Freedom of Movement," which read as follows [original punctuation provided]:

- Alaskans' right to freely move within the state is violated when their access to public places and facilities are unlawfully obstructed
- Unlawful obstruction presents a threat to public safety - emergency vehicles are unable to respond when a crucial roadway is obstructed
- Unlawful obstruction poses a threat to Alaska's economy - businesses cannot operate normally; Alaskans may be unable to get to work
- HB 386 imposes additional criminal penalties for obstruction of public places and creates a civil cause of action for a private citizen whose access is unlawfully obstructed
- Penalties imposed by the bill discourage and deter unlawful obstruction of public places

[1:22:17 PM](#)

MR. TAYLOR turned to slide 4, "Freedom of Assembly," which read as follows [original punctuation provided]:

- Conduct that includes rendering highways, roadways inaccessible or impassible is already illegal.
- Freedom of expression is already subject to time, place, and manner restrictions to prevent interference with the rights of others
- Proposed bill targets the conduct of blocking access to public places - not Alaskans' right to peaceably and lawfully assemble
- Provides Alaskans an avenue to remedy against unlawful obstruction

[1:23:03 PM](#)

MR. TAYLOR advanced to slide 5, "Around the U.S.," which featured two photos of protestors blocking traffic in Washington, D.C. and a bridge in South Nyack, New York.

[1:24:03 PM](#)

MR. TAYLOR continued to slide 6, "Alaskans are Vulnerable," which read as follows [original punctuation provided]:

Dalton Highway
Obstructing the Haul Road during mobilization season
could have devastating effects on the oil patch

Seward Highway

Obstructing the Seward south of Anchorage blocks the Kenai Peninsula from accessing the Port of Alaska and the Ted Stevens Int'l Airport

Glenn Highway

Obstructing the Glenn north of Anchorage blocks every community north of Anchorage from accessing the Port of Alaska and the Ted Stevens Int'l Airport

Highway 2

Obstructing the road just inside the US/Canada border blocks all traffic in and out of Alaska

[1:25:32 PM](#)

MR. TAYLOR deferred to Mr. Patterson for the sectional analysis.

[1:25:42 PM](#)

PARKER PATTERSON, Legislative Liaison, Department of Law (DOL), on behalf of the House Rules Standing Committee, sponsor by request of the governor, directed attention to slides 7-10, "Sectional," which read as follows [original punctuation provided]:

Section 1

- Amends existing obstruction of airports statute to prohibit general obstruction of runways

Section 2

- Adds new penalties to the crime of obstruction of airports and classifies specific conduct as class C felony or class A misdemeanor

Section 3

- Accounts for amendments in section 2 with a conforming change

Section 4

- Establishes strict liability in a civil case for violations of any criminal statutes created or amended by the bill and sets out provisions for civil cause of action

Section 5

- Amends the crime of criminal trespass in the first degree to class C felony if the conduct creates a substantial risk of physical injury or interferes with an emergency response

Section 6

- Amends the crime of criminal trespass in the second degree to class A misdemeanor if the conduct creates a substantial risk of physical injury or interferes with an emergency response

Section 7

- Accounts for amendments in section 8 with a conforming change

Section 8

- Makes obstructing a highway by dropping a substance on the highway a class C felony if it creates a substantial risk of physical injury or interferes with an emergency response
- Other highway obstruction class A misdemeanor

Section 9

- Creates crime of obstruction of free passage in public places, a class A misdemeanor if conduct creates a substantial risk of physical injury or interferes with an emergency response
- Permitted conduct exempt

Section 10

- Amends the crime of obstruction to navigable waters to a class A misdemeanor if the conduct creates a substantial risk of injury or interferes with an emergency response
- Other obstructions class B misdemeanor

Section 11

- Provides prospective application of criminal offenses amended in the bill

Section 12

- Provides for a July 1, 2024 effective date

[1:28:54 PM](#)

MR. TAYLOR resumed the presentation on slide 11, "Summary," which read as follows [original punctuation provided]:

- The proposed bill is both content and viewpoint neutral. It aims to
- Allow Alaskans to seek remedy when their right to access public places is violated
- Deter and discourage unlawful conduct through stronger criminal penalties
- Uphold Alaskans' constitutional right to assembly and demonstration

CHAIR VANCE sought questions from committee members.

[1:30:10 PM](#)

REPRESENTATIVE GRAY asked Mr. Taylor to describe the specific problems he had observed in Alaska, which the bill seeks to fix.

MR. TAYLOR listed several examples. He added that the bill seeks to address future fights that the attorney general anticipated would involve striking the right balance between resource development and the environment. He said the bill is intended to prevent damage from occurring.

[1:31:55 PM](#)

REPRESENTATIVE GRAY asked whether the bill would apply to Tribes and whether Tribes would have the right to block the roads on their own land.

MR. TAYLOR confirmed that the bill would apply to any person who intentionally blocks or obstructs a highway in the state of Alaska, including Tribes.

REPRESENTATIVE GRAY asked whether it would apply to homeless people who may be blocking a sidewalk or alleyway.

MR. TAYLOR confirmed that it would apply to homeless individuals who are blocking a road or sidewalk.

REPRESENTATIVE GRAY referenced a legal memorandum ("memo") drafted by Claire Radford and Noah Klein, Legislative Legal Services, that highlighted multiple constitutional issues with the bill.

[1:34:52 PM](#)

REPRESENTATIVE ALLARD asked how the bill could be in violation of a person's free right to assemble.

MR. TAYLOR said the bill was drafted at the behest of the governor. He opined that the bill is constitutionally sound and would stand up to legal challenges.

[1:35:48 PM](#)

The committee took a brief at-ease.

[1:36:11 PM](#)

REPRESENTATIVE ALLARD asked whether any bill could be constitutionally challenged by any person at any time.

MR. TAYLOR confirmed that anybody can make a claim.

REPRESENTATIVE ALLARD expressed her appreciation for the proposed legislation because [protestors] could be disruptive to people's safety.

[1:36:57 PM](#)

REPRESENTATIVE CARPENTER directed attention to Section 4 and asked whether someone outside the state could be held civilly liable for promoting a particular event on social media.

MR. TAYLOR said it depend on what that person is saying. He, added that if an individual or organization is directly encouraging people to break the law in Alaska, that entity could be held liable in violation of this law.

REPRESENTATIVE CARPENTER directed attention to Section 9 and asked whether there is a distinction between subparagraph (B) and subparagraphs (A) and (C).

MR. TAYLOR affirmed that interfering with access to a public place that renders governmental or judicial services would bump the penalty to a class A misdemeanor.

[1:40:10 PM](#)

REPRESENTATIVE CARPENTER highlighted the phrase "substantially interferes" and asked how to define "impassable" and "obstruction" and whether they're the same thing as "unreasonable inconvenience."

MR. TAYLOR said those terms are not defined in statute. Discernment would be left up to the judge or jury.

[1:41:41 PM](#)

REPRESENTATIVE CARPENTER asked whether whoever is in charge of the public building would be in charge of determining an "unreasonable interference."

MR. TAYLOR reiterated that discretion would be up to the responding officer and the court.

[1:42:26 PM](#)

REPRESENTATIVE SUMNER recalled a dispute over the location of the Iditarod trail in the Mat-Su borough and asked whether the law would apply RS 2477 Rights-of-Way trails.

MR. TAYLOR shared his understanding that it would apply to that scenario.

[1:43:16 PM](#)

REPRESENTATIVE GROH questioned whether lawsuits filed by private citizens could attempt to financially bankrupt those with unpopular opinions through the "very unusual" framework for civil liability that's provided in Section 4.

MR. TAYLOR answered no, because if organizations follow the law, they have nothing to worry about in this bill.

REPRESENTATIVE GROH asked whether the bill identifies a specific period of time required before obstruction would be considered criminal.

MR. TAYLOR answered no, the bill does not identify a time period. He reiterated that it would be left up to the discretion of the responding officers, prosecutors, judge, and jury.

REPRESENTATIVE GROH asked whether the term "unreasonable inconvenience" is defined in the bill.

MR. TAYLOR answered no.

REPRESENTATIVE GROH asked whether the legislation requires that the obstruction prevents another person from passing.

MR. TAYLOR said that is one criterion. The other is "unreasonably obstructs." He shared an example.

[1:47:50 PM](#)

REPRESENTATIVE GROH asked whether the lack of a definition of "unreasonable inconvenience" could lead a court to declare the legislation unconstitutional due to vagueness.

MR. TAYLOR replied that he does not have that worry.

[1:48:33 PM](#)

REPRESENTATIVE GROH asked whether it would be useful to hear from legislative attorneys given the seven-page opinion from Legislative Legal Services.

MR. TAYLOR reiterated that he is not concerned about the bill violating the Alaska Constitution in any way.

CHAIR VANCE announced that the bill would be held over.

[1:49:38 PM](#)

The committee took a brief at-ease.

HB 105-SEX/REPRODUCTION EDUCATION; SCHOOLS

[1:50:33 PM](#)

CHAIR VANCE announced that the next order of business would be HOUSE BILL NO. 105, "An Act relating to parental rights in a child's education; relating to access to school records; relating to sex education, human reproduction education, and human sexuality education; relating to school disciplinary and safety programs; and providing for an effective date." [Before the committee was CSHB 105(EDC).]

[1:51:08 PM](#)

DEENA BISHOP, EdD, Commissioner, Office of the Commissioner, Department of Education and Early Development, on behalf of the House Rules Standing Committee, sponsor by request of the governor, presented CSHB 105(EDC). She paraphrased the letter

of transmittal [hard copy included in the committee packet], which read as follows [original punctuation provided]:

Under the authority of Article III, Section 18, of the Alaska Constitution, I am transmitting a bill amending Alaska's education statutes to increase opportunities for parental involvement in their children's education by creating meaningful notice and consent requirements. The bill requires school districts to allow parental access to school records and to develop policies requiring written consent prior to providing instruction related to human reproduction and sexual matters.

Parental involvement initiatives in public education have been increasing nationwide. In Alaska, parents are becoming more actively involved in the content and quality of instruction provided in public schools. This involvement has resulted in an increased focus on the presentation of content and materials that may not be age-appropriate for all children. This bill addresses these concerns by placing matters of personal identification and sexual education directly in the hands of parents at the local level.

Under the terms of the bill, school districts must adopt rules that provide for notice and affirmative written consent prior to any activity, class, or program that includes sensitive and personal content involving gender identity, human reproduction, or sexual matters, and a class involving sex education may not be attended by a child enrolled in a grade below fourth grade. In addition, the bill recognizes the rights of parents to designate the official name used by schools when addressing or referring to enrolled students. The bill authorizes the enforcement of these policies through the use of civil litigation by parents against school districts that knowingly or recklessly refuse to comply with the statute.

A parent's right to information about a student's physical, medical, and mental health is absolutely critical to ensure the safety and privacy of their children. Given the complex and dynamic nature of the modern school environment, it is counterproductive to create situations where a child's various caregivers are not all operating on the same page. To that end,

this bill also prevents school districts from refusing to release sensitive and personal student records to the child's legal parent or guardian.

Finally, the bill recognizes every child's right to privacy by requiring school districts to adopt procedures addressing the physical safety and privacy of students in locker rooms and restrooms in public schools.

[1:58:48 PM](#)

REPRESENTATIVE ALLARD moved to adopt the proposed committee substitute (CS) for HB 105, Version33-GH1072\0, Bergerud, 4/13/24, as the working document.

REPRESENTATIVE GRAY objected.

[1:59:24 PM](#)

BOB BALLINGER, Staff, Representative Sarah Vance, Alaska State Legislature, on behalf of Representative Vance, gave an explanation of changes in the proposed CS for HB 105, Version 0 [included in the committee packet], which read as follows [original punctuation provided]:

Section 1 amends AS 14.03.016(a) to do 3 things:

1. Require that a child's parent provide written permission before the child may participate in any activity, class, or program that includes content involving sexual matters;
2. Require written permission from a parent before the name or pronoun used by a public school to address or refer to the child in person, on school identification, or in school records is changed; and
3. Require that a parent be informed in writing of the right to pursue legal action against a school district if the parent's rights have been violated.

Section 2 amends AS 14.03.016(d) by adding two new paragraphs to define "gender identity" and "sexual matters."

Section 3 amends AS 14.03.016(d) by adding two new subsections (e) and (f) to establish the penalties for violations of a policy adopted under this section in

(e) and in subsection (f), to require a school to coordinate with a parent to provide supplemental materials when a child is withdrawn from a class under this section.

Section 4 amends AS 14.03.115 to require schools to provide the "entire" record of a student if requested and to provide a written explanation that includes the legal exemption for withholding that portion of the record if they do not provide it.

Section 5 amends AS 14.20.020(k) to include training on sex trafficking and human trafficking.

Section 6 amends AS 14.30.030 to include guidelines for the procedures schools must establish to prevent and reduce truancy.

Section 7 amends AS 14.30.355(a) to include training on sex trafficking and human trafficking.

Section 8 amends AS 14.30.355(b) to include guidelines for the training required in (a), information about safe online practices, sex trafficking, and human trafficking.

Section 9 amends AS 14.30.361 by adding two new subsections (e) and (f). Subsection (e) prohibits teaching students any material that includes "sexual matters" without obtaining the written permission required in AS 14.03.016(a)(3), and Subsection (f) prohibits the teaching of "sexual matters" to children in K-3 except as provided for in AS 14.30.355.

Section 10 amends AS 14.33.120(a) to include a Paragraph 10 to require school boards to establish procedures to address the physical safety and privacy of students in locker rooms and restrooms.

[2:07:29 PM](#)

REPRESENTATIVE GRAY maintained his objection.

[2:07:39 PM](#)

A roll call vote was taken. Representatives Carpenter, C. Johnson, Sumner, Allard, and Vance voted in favor of adopting

CSHB 105, Version 0, as the working document. Representatives Gray and Groh voted against it. Therefore, Version 0 was adopted by a vote of 5-2.

[2:08:42 PM](#)

REPRESENTATIVE CARPENTER referred to Section 1, paragraph (7) of Version 0 and asked whether school districts would still be required to keep a list of pronouns and names with the permission slips or whether that list would no longer be needed.

COMMISSIONER BISHOP said a list of pronouns would be maintained for each classroom in a computerized program.

[2:10:43 PM](#)

REPRESENTATIVE CARPENTER asked whether the list and identification of names and pronouns were for the exclusive use of teachers or whether parents and students would be expected to use the identified pronouns too.

COMMISSIONER BISHOP said the expectation would be for the name to be utilized if parents gave permission.

REPRESENTATIVE CARPENTER said he was trying to understand the purpose of the list and the permissions slip in the first place.

COMMISSIONER BISHOP confirmed that the list of approved names would exist to be used by the educator.

REPRESENTATIVE CARPENTER asked whether the school district would require students to follow the approved list of names for [their fellow] students, and whether not following the list would be in violation of those students' rights.

[2:13:53 PM](#)

COMMISSIONER BISHOP said there is no state law that addresses this specific issue; however, it could be possible for policy regarding approved name usage to be placed in the student handbook.

[2:14:43 PM](#)

REPRESENTATIVE SUMNER asked whether the district would have civil liability if a teacher misgendered a child or refused to use his/her parent approved pronouns for religious reasons.

COMMISSIOENR BISHOP said she is unsure of the legality. She added that some educators have expressed interest in creating a teacher's bill of rights.

[2:15:46 PM](#)

CHAIR VANCE announced that CSHB 105, Version 0, would be held over.

[2:16:57 PM](#)

The committee took an at-ease from 2:16 to 2:19 p.m.

HB 338-PHYS LBLTY: GENDER TRANS PROCEDURE;MINORS

[2:19:19 PM](#)

CHAIR VANCE announced that the final order of business would be HOUSE BILL NO. 338, "An Act relating to physician liability for gender transition procedures performed on minors; and providing for an effective date."

[2:19:45 PM](#)

REPRESENTATIVE ALLARD, prime sponsor, presented HB 338. She shared the sponsor statement [included in the committee packet], which read as follows [original punctuation provided]:

An alarming number of adults who received gender transition treatments or surgeries as children have regretted those decisions. Over the last few years, many European countries have adopted more restrictions and started to reconsider the use of these treatments provided to minors.

House Bill 338 (HB338) amends Alaska's Code of Civil Procedure by allowing recovery of damages against physicians who perform a procedure on minors that result in injury. Some of these surgical procedures are irreversible. HB338 focuses on the importance of rigorous medical oversight and informed consent. An action brought under this section must begin or start within 20 years after the accrual of the cause of action.

HB338 is a necessary step towards safeguarding the well-being of children. It ensures that the medical community in Alaska adheres to the highest standards of care and that families can make well-informed decisions.

[2:21:20 PM](#)

REPRESENTATIVE ALLARD presented the sectional analysis for HB 338 [included in the committee packet], which read as follows [original punctuation provided]:

Section 1: This section amends the Alaska Code of Civil Procedure, AS 09.10.055(b), by adding a new exception to allow recovery of damages under Section 3, which relates to gender transition procedures performed on minors.

Section 2: This section amends AS 09.55.549(f), which deals with the limitation on noneconomic damages in certain cases. The amendment specifies that the limitation does not apply if the damages resulted from reckless or intentional misconduct or from an action brought under the newly proposed

Section 3. Section 3: This section adds AS 09.65.175 to establish claims for recovery of damages against a physician for any injury or condition suffered by the procedure. The action must be commenced within 20 years after the accrual of the cause of action. Section 4: This section specifies that the Act takes effect immediately.

REPRESENTATIVE ALLARD noted that she had reached out to numerous statewide experts who are in support of the bill; however, they said that the Alaska State Medical Board had threatened to revoke their licenses during the COVID-19 Pandemic and felt that they could be targeted for coming forward.

CHAIR VANCE opened invited testimony.

[2:23:34 PM](#)

STEPHANIE WINN, representing self, gave invited testimony during the hearing on HB 338. She informed the committee that she is a licensed marriage and family therapist in the state of Oregon but is testifying on her own behalf in favor of the bill. As a

left leaning therapist who was once trained to provide gender affirming care, she said she began to pivot the moment she realized that people were being harmed by this approach. She said she recognized that it was her ethical duty to listen to "detransitioners" and those with painful regrets and complications from drugs and surgeries that do not deserve to be called experimental. She added that countless colleagues share her concerns, whether publicly vocal or not. Since she first began to change her stance in 2020, an abundance of evidence has emerged supporting this position, including the publication of numerous books, peer reviewed articles, and systematic evidence reviews. She added that more whistleblowers have sounded the alarm, and European countries have changed trajectories, recommending a cautious attitude that provides therapy before life altering medical procedures, and prioritizes the lifelong health span of the patient. She opined that in 2024, physicians have no excuse for eschewing reasonable caution, dismissing testimonies of harmed and aggrieved parents, abandoning the Hippocratic principle of nonmaleficence in medicine, and disregarding the growing body of evidence that pediatric sex trait modification is the most unconscionable medical scandal of this time. She stated that HB 338 ensures justice for patients and families who have been harmed by unscrupulous doctors who have the hubris to ignore their conscience as well as the evidence. She opined that medical professionals should take well established facts about well-established psychology into account and decline to provide treatments that are likely to do more harm than good in the long run. She proceeded to list the potential physical consequences of sex trait modification procedures.

[2:27:52 PM](#)

IVAN ABDOUCH, PhD, representing self, retired associate professor emeritus at the University of Nebraska Medical Center, gave invited testimony during the hearing on HB 338. He acknowledged that people on all sides of this issue want what's best for these kids; however, they disagree on what's best: medicate and operate, or wait until adulthood. He agreed with the latter. He shared that he had come before the committee to offer his perspective after 30 years in the business, which says that medical and surgical gender transition in children and adolescents should never be done. He made clear the following misconception: medical and surgical treatment is for gender dysphoria, not to address the transgender state per se. He requested that the committee members keep the following three facts in the forefront of their deliberation: there are not

current, generally accepted standards of care; no one can determine with certainty the gender trajectory of a child or adolescent for their lifetime; the danger of that incorrect selection is amplified by the fact that treatment effects are irreversible, and the unwanted effects are lifelong. He urged policy makers to ask and answer the following question: What is an acceptable number of children who experience irreversible harm of lifelong effects due to erroneous medical or surgical management? He submitted that the least unsafe management is counseling by a competent therapist. He said please don't let misdirected beliefs supersede safety.

[2:32:00 PM](#)

ARII DEWOLF, representing self, public policy professional, gave invited testimony during the hearing on HB 338. He shared his background as a gay, half black, Jewish conservative, adding that "[his] story is America's story." He commented on the removal of the human individual in medicine. He expressed concern that big politics and big money have joined forces to undermine the rights of individual Americans who are ascending in the next generation. He opined that people cannot discover who they are when there is a pipeline into medicalization, pharmaceuticals, and surgical interventions. He emphasized the importance of remembering why this country was founded, the principles of the individual, and common sense.

[2:36:24 PM](#)

MATT SHARP, Senior Counsel, Alliance Defending Freedom, gave invited testimony during the hearing on HB 338. He noted that the Alliance Defending Freedom serves as co-counsel with the State of Alabama, defending its law that protects children from dangerous gender transition drugs and surgeries. Children who experience discomfort with their biologicals sex need access to compassionate, effective mental healthcare, he said. However, activists and profit driven gender clinics have deceived children and parents alike into believing that unnatural, life altering, and even permanently sterilizing puberty blockers, hormones and surgeries are the solution to their struggle. He pointed out that laws have long protected children from things that society has deemed harmful, or that a child lacks the maturity and experience to handle. He questioned how a child that lacks the maturity to sign a contract, vote, purchase alcohol, or get a tattoo could be mature enough to consent to experimental, potentially irreversible medical procedures that can lead to permanent sterilization. He added that court

rulings have held that states have a compelling interest in protecting the physical and psychological wellbeing of minors. As a result, Alaska can limit the freedom of children to choose for themselves in making important, affirmative choices with potentially serious consequences. He cited research that swayed England's national health service, along with health authorities in Sweden and Finland, to stop using puberty blockers and hormones to treat gender dysphoric youth in clinical settings. Based on this evidence, he reported that 24 states have enacted laws like HB 338 to protect children from these practices. Instead, they are prioritizing counseling and therapy for children who express distress over their biological sex. He referenced recent decisions by appellate courts, as well as the U.S. Supreme Court, that allow these laws to be upheld to protect children's health and safety.

[2:42:11 PM](#)

REPRESENTATIVE ALLARD noted that none of the invited testifiers had been paid to share these opinions.

CHAIR VANCE sought questions from committee members.

[2:42:52 PM](#)

REPRESENTATIVE GRAY asked whether the testifiers had met any happy transgender ("trans") children who do not regret their decisions.

[2:43:59 PM](#)

DR. ABDOUCH cautioned against using the term "transgender" because it's hard to know with certainty whether a child is transgender and/or gender dysphoric. He added that he had seen many children that were dissatisfied or regretful over their decisions.

MS. WINN noted that she lives in Portland where there is a "showiness" about trans pride. she questioned whether there is evidence that any transient feelings of joy, happiness, or euphoria - some of which could be placebo or the effect of mood-altering substances - outweigh the impact of lost fertility, increased risk of cardiovascular disease, cancer, Alzheimer's, dementia, the inability to have children, and a greatly reduced dating pool. She added that as a therapist, she must think beyond face value to the long-term developmental trajectory of the individual.

MR. DEWOLF said he had transsexual family members and friends who are no longer [alive], whether by lifestyle or what happened to their bodies. He shared that a gender clinic is being built to help people who have experienced harm because there are enough that have been harmed by it.

MR. SHARP responded that ultimately, subjective feelings are not what the legislature looks at. Instead, he urged the legislature to consider evidence and other systematic reviews in deciding the best policies for Alaska.

[2:49:18 PM](#)

REPRESENTATIVE CARPENTER asked whether it's the gender reassignment procedure or the opinion of the medical professional that puts the child at risk.

DR. ABDOUCH answered, "both." He reflected on his 30-year practice in the transgender world with a multi-disciplinary group of psychologists, psychiatrists, counselors, and allied health people who would not treat anyone under the age of 25. He explained that the procedures carry significant risk beyond the usual surgical risk because it attempts to treat a psychological problem with medical or surgical treatment.

MS. WINN commented on the power of the authority held by medical professionals. She agreed that the answer is "both," and acknowledged the emotional weight of a professional endorsing a specific treatment.

DR. ABDOUCH advised using the terms "trans" and "experimental treatment" with caution, opting instead for "untested."

[2:55:08 PM](#)

REPRESENTATIVE SUMNER shared his understanding that a small percentage of babies are born hermaphroditic or with a significant genital malformation. He asked whether treating those [anatomic distortions] would fall under gender transition procedure or whether it would be classified as some other medical procedure.

REPRESENTATIVE ALLARD said that is not included in the bill and shared her understanding that those [distortions] are very rare.

MR. ABDOUCH clarified that anatomic distortions are an entirely different conversation.

[2:56:46 PM](#)

MS. WINN informed the committee that she had met with many people with sexual development disorders. She emphasized that the disordered sexual development (DSD) community is not thrilled about being brought into this discussion.

CHAIR VANCE sought closing comments from the bill sponsor.

[2:58:22 PM](#)

REPRESENTATIVE ALLARD stated that children are not meant for unintended body mutilation. She opined that anyone who pushes for their children to have breasts or genitalia cut off, or given hormone blockers, should be held accountable. She characterized the procedures as child abuse worthy of criminal charges.

CHAIR VANCE announced that HB 183 would be held over.

[2:59:35 PM](#)

ADJOURNMENT

There being no further business before the committee, the House Judiciary Standing Committee meeting was adjourned at 2:59 p.m.