

**ALASKA STATE LEGISLATURE  
HOUSE JUDICIARY STANDING COMMITTEE**

April 17, 2024

1:51 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

**OTHER LEGISLATORS PRESENT**

Representative Rebecca Himschoot  
Representative Alyse Galvin  
Representative Will Stapp

**COMMITTEE CALENDAR**

HOUSE BILL NO. 338

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

- MOVED HB 338 OUT OF COMMITTEE

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."

- MOVED CSHB 386 (JUD) OUT OF COMMITTEE

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."

- MOVED CSHB 105(JUD) OUT OF COMMITTEE

#### PREVIOUS COMMITTEE ACTION

BILL: HB 338

SHORT TITLE: PHYS LBLTY: GENDER TRANS PROCEDURE;MINORS

SPONSOR(s): REPRESENTATIVE(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
04/15/24	(H)	Heard & Held
04/15/24	(H)	MINUTE(JUD)
04/17/24	(H)	JUD AT 1:00 PM GRUENBERG 120

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  
 04/15/24 (H) Heard & Held  
 04/15/24 (H) MINUTE(JUD)  
 04/17/24 (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  
04/15/24 (H) Heard & Held  
04/15/24 (H) MINUTE(JUD)  
04/17/24 (H) JUD AT 1:00 PM GRUENBERG 120

**WITNESS REGISTER**

MORGAN LIM, Government Relations Manager  
Planned Parenthood Alliance Advocates  
Juneau, Alaska  
**POSITION STATEMENT:** Testified in opposition to HB 338.

DONNA FLEMING, representing self  
Juneau, Alaska  
**POSITION STATEMENT:** Testified in support of HB 338.

CAROL HABEGGER, representing self  
Juneau, Alaska  
**POSITION STATEMENT:** Testified in support of HB 338.

MELISSA ZAHASKY, representing self  
Juneau, Alaska  
**POSITION STATEMENT:** Testified in support of HB 338.

CAROL ROSE, representing self  
Juneau, Alaska  
**POSITION STATEMENT:** Testified in support of HB 338.

KATRINA MITCHELL, representing self  
Juneau, Alaska  
**POSITION STATEMENT:** Testified in support of HB 338.

ADENA COMPTON, representing self  
Juneau, Alaska  
**POSITION STATEMENT:** Testified in support of HB 338.

MARIE MESSING, representing self  
Juneau, Alaska  
**POSITION STATEMENT:** Testified in support of HB 338.

BRIAN MESSING, representing self  
Juneau, Alaska  
**POSITION STATEMENT:** Testified in support of HB 338.

GRIFFEN SUKKAEW, representing self  
Juneau, Alaska  
**POSITION STATEMENT:** Testified in opposition to HB 338.

SENECA ROACH, representing self  
Juneau, Alaska  
**POSITION STATEMENT:** Testified in opposition to HB 338.

BILL DEAN, representing self  
Juneau, Alaska  
**POSITION STATEMENT:** Testified in support of HB 338.

ALEXANDER ROSALES, representing self  
Eagle River, Alaska  
**POSITION STATEMENT:** Testified in support of HB 338.

MONICA WHITMAN, representing self  
Eagle River, Alaska  
**POSITION STATEMENT:** Testified in opposition to HB 338.

TIMOTHY BARTO, representing self  
Eagle River, Alaska  
**POSITION STATEMENT:** Testified in support of HB 338.

LINDSEY BANNING, representing self  
Anchorage, Alaska  
**POSITION STATEMENT:** Testified in opposition to HB 338.

JOSH SMITH, representing self  
Anchorage, Alaska  
**POSITION STATEMENT:** Testified in opposition to HB 338.

STEPHANIE UZZELL, representing self  
North Pole, Alaska  
**POSITION STATEMENT:** Testified in opposition to HB 338.

JESSE SAIKI, representing self  
Anchorage, Alaska  
**POSITION STATEMENT:** Testified in opposition to HB 338.

DAVID LESLIE, representing self  
Fairbanks, Alaska  
**POSITION STATEMENT:** Testified in opposition to HB 338.

JASON LAND, representing self  
Fairbanks, Alaska  
**POSITION STATEMENT:** Testified in opposition to HB 338.

ROSE HART, representing self  
Anchorage, Alaska

**POSITION STATEMENT:** Testified in opposition to HB 338.

ERICA STANNARD, representing self  
Matsu, Alaska

**POSITION STATEMENT:** Testified in opposition to HB 338.

CARLY JENSEN, representing self  
Eagle River, Alaska

**POSITION STATEMENT:** Testified in opposition to HB 338.

ASHLYN JOHNSON, representing self  
Anchorage, Alaska

**POSITION STATEMENT:** Testified in opposition to HB 338.

NITHYA THIRU, Queer & Trans Justice Program Manager  
American Civil Liberties Union of Alaska  
Anchorage, Alaska

**POSITION STATEMENT:** Testified in opposition to HB 338.

MO DART, representing self  
Fairbanks, Alaska

**POSITION STATEMENT:** Testified in opposition to HB 338.

PAMELA SAMASH, representing self  
Nenana, Alaska

**POSITION STATEMENT:** Testified in support of HB 338.

XOCHITL MUNOZ, representing self  
Fairbanks, Alaska

**POSITION STATEMENT:** Testified in opposition to HB 338.

JULIE SMYTH, representing self  
Fairbanks, Alaska

**POSITION STATEMENT:** Testified in opposition to HB 338.

REBECCA BERNARD, representing self  
Anchorage, Alaska

**POSITION STATEMENT:** Testified in opposition to HB 338.

KASEY MOW, representing self  
Juneau, Alaska

**POSITION STATEMENT:** Testified in support of HB 338.

SALIM HOUCK, representing self

Juneau, Alaska

**POSITION STATEMENT:** Testified in opposition to HB 338.

KC CASORT, representing self

Fairbanks, Alaska

**POSITION STATEMENT:** Testified in opposition to HB 338.

LILLIAN LENNON, representing self

Anchorage, Alaska

**POSITION STATEMENT:** Testified in opposition to HB 338.

ROSE TITUS, representing self

Anchorage, Alaska

**POSITION STATEMENT:** Testified in opposition to HB 338.

JEANNE SWARTZ, representing self

Anchorage, Alaska

**POSITION STATEMENT:** Testified in opposition to HB 338.

ELEANOR LOCKE, representing self

Fairbanks, Alaska

**POSITION STATEMENT:** Testified in opposition to HB 338.

ELEANOR LOCKE, representing self

Fairbanks, Alaska

**POSITION STATEMENT:** Testified in opposition to HB 338.

WINDY PERKINS, representing self

Anchorage, Alaska

**POSITION STATEMENT:** Testified in support of HB 338.

EMILY COHEN, representing self

Anchorage, Alaska

**POSITION STATEMENT:** Testified in opposition to HB 338.

KATRINA DOWELL, representing self

Palmer, Alaska

**POSITION STATEMENT:** Testified in opposition to HB 338.

SERENE O'HARA-JOLLEY, representing self

Anchorage, Alaska

**POSITION STATEMENT:** Testified in opposition to HB 338.

MIKE COONS, representing self

Palmer, Alaska

**POSITION STATEMENT:** Testified in support of HB 338.

KATE VEH, representing self  
Palmer, Alaska

**POSITION STATEMENT:** Testified in opposition to HB 338.

MAXINE DOOGAN, President  
Community United for Safety and Protection  
Fairbanks, Alaska

**POSITION STATEMENT:** Testified in opposition to HB 338.

MORGAN LIM, Government Relations Manager,  
Planned Parenthood Alliance Advocates  
Juneau, Alaska

**POSITION STATEMENT:** Testified in opposition to HB 386.

JARED SOLOMAN, representing self  
Juneau, Alaska

**POSITION STATEMENT:** Testified during the hearing on HB 386.

AMBER NICKERSON, representing self  
Juneau, Alaska

**POSITION STATEMENT:** Testified in opposition to HB 386.

KEVIN MCGEE, representing self  
Anchorage, Alaska

**POSITION STATEMENT:** Testified in opposition to HB 386.

MICHAEL PATTERSON  
Party for Socialism and Liberation  
Anchorage, Alaska

**POSITION STATEMENT:** Testified in opposition to HB 386.

JOSH SMITH, representing self  
Anchorage, Alaska

**POSITION STATEMENT:** Testified in opposition to HB 386.

STEPHANIE UZZELL, representing self  
North Pole

**POSITION STATEMENT:** Testified in opposition to HB 386.

JESSE SAIKI, representing self  
Anchorage, Alaska

**POSITION STATEMENT:** Testified in opposition to HB 386.

DAVID LESLIE, representing self  
Fairbanks, Alaska

**POSITION STATEMENT:** Testified in opposition to HB 386.

AUSTEN COULSON, representing self  
Petersburg, Alaska  
**POSITION STATEMENT:** Testified in opposition to HB 386.

JASON LAND, representing self  
Fairbanks, Alaska  
**POSITION STATEMENT:** Testified in opposition to HB 386.

ROSE HART, representing self  
Anchorage, Alaska  
**POSITION STATEMENT:** Testified in opposition to HB 386.

AYESHA NALIK, representing self  
Anchorage, Alaska  
**POSITION STATEMENT:** Testified in opposition to HB 386.

CARLY JENSEN, representing self  
Eagle River, Alaska  
**POSITION STATEMENT:** Testified in opposition to HB 386.

JULIE SMYTH, representing self  
Fairbanks, Alaska  
**POSITION STATEMENT:** Testified in opposition to HB 386.

CYNTHIA GACHUPIN, representing self  
Anchorage, Alaska  
**POSITION STATEMENT:** Testified in opposition to HB 386.

MICHAEL GARVEY, Advocacy Director  
American Civil Liberties Union of Alaska  
Anchorage, Alaska  
**POSITION STATEMENT:** Testified in opposition to HB 386.

KC CASORT, representing self  
Fairbanks, Alaska  
**POSITION STATEMENT:** testified in opposition to HB 386.

KACEY HOPSON, Interim Director of the Alaska Native Policy  
Center  
First Alaskans Institute  
Anchorage, Alaska  
**POSITION STATEMENT:** Testified in opposition to HB 386.

EMILY COHEN, representing self  
Anchorage, Alaska  
**POSITION STATEMENT:** Testified in opposition to HB 386.

SERENE O'HARA-JOLLEY, representing self  
Anchorage, Alaska

**POSITION STATEMENT:** Testified in opposition to HB 386.

ANEL COLLINS, representing self  
Juneau, Alaska

**POSITION STATEMENT:** Testified in opposition to HB 386.

CAROLINA SAAVEDRA, representing self  
Eagle River, Alaska

**POSITION STATEMENT:** Testified in opposition to HB 386.

MIKE COONS, representing self  
Palmer, Alaska

**POSITION STATEMENT:** Testified in support of HB 386.

CORI MILLS, Deputy Attorney General (Civil Division)  
Office of the Attorney General  
Department of Law  
Juneau, Alaska

**POSITION STATEMENT:** Answered questions on amendments to HB 386.

KACI SCHROEDER, Assistant Attorney General  
Criminal Division (Legal Services Section)  
Department of Law  
Juneau, Alaska

**POSITION STATEMENT:** Answered questions on amendments to HB 386.

CLAIRE RADFORD, Attorney  
Legislative Legal Services  
Legislative Affairs Agency  
Juneau, Alaska

**POSITION STATEMENT:** Answered questions during the hearing on HB 386.

ANDY MILLS, Legislative Liaison  
Office of the Commissioner  
Department of Transportation & Public Facilities  
Juneau, Alaska

**POSITION STATEMENT:** Answered questions during the hearing on HB 386.

PARKER PATTERSON, Attorney  
Legislation, Regulations & Legislative Research Section  
Department of Law  
Juneau, Alaska

**POSITION STATEMENT:** Answered questions during the hearing on HB 386.

DEBORAH RIDDLE, Division Operations Manager  
Innovation and Education Excellence  
Department of Education and Early Development  
Juneau, Alaska

**POSITION STATEMENT:** Answered questions during the hearing on the proposed CS for HB 105, Version O.

MARGARET BERGERUD, Attorney  
Legislative Legal Services  
Legislative Affairs Agency  
Juneau, Alaska

**POSITION STATEMENT:** Answered questions during the hearing on the proposed CS for HB 105, Version O.

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

**POSITION STATEMENT:** Answered questions during the hearing on the proposed CS for HB 105, Version O, on behalf of Representative Vance.

CONRAN GUNTHER, Attorney  
Legislative Legal Services  
Legislative Affairs Agency  
Juneau, Alaska

**POSITION STATEMENT:** Answered questions during the hearing on HB 338.

#### **ACTION NARRATIVE**

[1:51:30 PM](#)

**CHAIR VANCE** called the House Judiciary Standing Committee meeting to order at 1:51 p.m. Representatives Gray, C. Johnson, Carpenter, Sumner, and Vance were present at the call to order. Representatives Allard and Groh arrived as the meeting was in progress. Also present were Representatives Himschoot, Galvin, and Stapp.

#### **HB 338-PHYS LBLTY: GENDER TRANS PROCEDURE;MINORS**

[1:54:10 PM](#)

CHAIR VANCE announced that the first 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."

CHAIR VANCE opened public testimony on HB 338.

[1:54:43 PM](#)

MORGAN LIM, Government Relations Manager, Planned Parenthood Alliance Advocates, testified in opposition to HB 338. He stated that PPAA strongly opposes HB 338, a bill that would increase physicians' liability for providing necessary healthcare and result in a severe chilling affect that further limits transgender ("trans") youth access to care. He urged the committee to consider the human costs of the bill and oppose HB 338, thereby ensuring that Alaska is a state that respects and protects the dignity of its residents.

[1:56:08 PM](#)

DONNA FLEMING, representing self, testified in support of HB 338. She shared a personal anecdote and expressed her support for Section 3 of the bill.

[1:57:27 PM](#)

CAROL HABEGER, representing self, testified in support of HB 338. She said she supports the bill, as children are not capable of making this life threatening, life changing decision until their brains are fully developed. She opined that physicians should be held accountable until the age of 25.

[1:58:59 PM](#)

MELISSA ZAHASKY, representing self, testified in support of HB 338. She shared a personal anecdote and opined that physicians facilitating gender reassignment must be held liable for damages incurred.

[1:59:54 PM](#)

CAROL ROSE, representing self, testified in support of HB 338. She shared a personal anecdote and opined that [physicians] should be held accountable for altering a child's life.

[2:01:14 PM](#)

KATRINA MITCHELL, representing self, testified in support of HB 338. She urged the committee to implement the bill to ensure that children are not victims of intense social pressure and hasty decisions.

[2:02:40 PM](#)

ADENA COMPTON, representing self, testified in support of HB 338. She referenced a data leak from the World Professional Association for Transgender Health (WPATH) that highlighted numerous concerns about gender affirming care. She reiterated her support for the bill.

[2:04:10 PM](#)

MARIE MESSING, representing self, testified in support of HB 338. She expressed concern about the ability of children to provide informed consent in the WPATH standard of care.

[2:05:43 PM](#)

BRIAN MESSING, representing self, testified in support of HB 338. He urged the legislature to implement the bill to ensure that physicians are liable for gender transition procedures performed on minors.

[2:08:29 PM](#)

GRIFFEN SUKKAEW, representing self, testified in support of HB 338. He addressed a question asked by Representative Gray during the previous bill hearing, stating that he himself is a happy transgender man who was lucky enough to get on hormone replacement therapy (HRT) at the age of 17. He stated that the bill would make it harder for many trans children to acquire HRT and lead to irreversible harm.

[2:09:55 PM](#)

SENECA ROACH, representing self, testified in opposition to HB 338. He said whatever the objective, the main effect of the legislation would be to disincentivize medical care practitioners and organizations from treating patients. He urged the committee to vote "no" on the proposed legislation.

[2:11:21 PM](#)

BILL DEAN, representing self, testified in support of HB 338. He questioned how a child could make a wise decision given all the propaganda and influence from peers and teachers.

[2:12:50 PM](#)

ALEXANDER ROSALES, representing self, testified in support of HB 338. He likened gender reassignment surgery to gender mutilation and urged the legislature to leave the kids alone.

[2:13:47 PM](#)

MONICA WHITMAN, representing self, testified in opposition to HB 338. She said Alaskans have made it clear that they don't want the government involved in their healthcare. She opined that creating an environment where physicians are told which treatments they can and can't do based on what the political group in power is suggesting is bad for business.

[2:15:15 PM](#)

TIMOTHY BARTO, representing self, testified in support of HB 338. He said the bill is designed to protect the mutilation of children by holding medical providers responsible for the damage inflicted on children as a result of a current sociological trend. He urged a "yes" vote on HB 338.

[2:16:39 PM](#)

LINDSEY BANNING, representing self, testified in opposition to HB 338. She said the bill is designed to make gender affirming care out of reach for trans youth in Alaska because the sponsor has strong feelings about trans kids and their healthcare. She urged the legislature to keep politics out of healthcare and vote "no" on HB 338.

[2:18:02 PM](#)

JOSH SMITH, representing self, testified in opposition to HB 338. He said by increasing the statute of limitations, the bill would make healthcare unachievable for kids that need it the most.

[2:19:28 PM](#)

STEPHANIE UZZELL, representing self, testified in opposition to HB 338. She said the bill clearly singles out trans kids, as

evidenced by the attempt at criminalizing medical care for children. She said she is appalled at some of the language and that children have a right to autonomy.

[2:20:47 PM](#)

JESSE SAIKI, representing self, testified in opposition to HB 338. She urged the committee not to support the bill, which aims to limit access to trans healthcare and gender affirming services.

[2:22:04 PM](#)

DAVID LESLIE, representing self, testified in opposition to HB 338. He opined that the bill is racist and goes against traditional Alaska Native cultural ways, which has multiple genders outside the binary Gender. He said the bill would affect employment in the state and was being deliberately used to attack vulnerable people.

[2:23:10 PM](#)

JASON LAND, representing self, testified in opposition to HB 338. He said HB 338 is an attack on trans kids and an attempt to scare doctors away from saving kids.

[2:24:30 PM](#)

ROSE HART, representing self, testified in opposition to HB 338. She said the bill is obviously designed to make gender affirming care harder by increasing liability for gender affirming care providers. She urged the committee not to support HB 338.

[2:25:46 PM](#)

ERICA STANNARD, representing self, doctor, testified in opposition to HB 338. She said she opposes the bill because patients, families, and medical professionals know what's best for them. She urged the committee to oppose HB 338 and requested that they not continue to waste the legislature and public's time debating care for lesbian, gay bisexual, transgender, queer, or questioning ("LGBTQ+") youth.

[2:26:51 PM](#)

CARLY JENSEN, representing self, testified in opposition to HB 338. She stated that making doctors more liable for the care

they provide would drive doctors out of the state where medical resources are already spread thin. She opined that the bill would further ostracize and harm the LGBTQ+ community.

[2:27:57 PM](#)

ASHLYN JOHNSON, representing self, testified in opposition to HB 338. She said the bill threatens to undermine trust between doctors and patients, heightens legal risk for healthcare providers, discourages [providers] from offering lifesaving treatment, and limits access to care for transgender minors. Moreover, she opined that allowing legal action for up to 20 years post treatment would add an unreasonable burden on healthcare providers, potentially increase insurance costs, and deter specialists from practicing in the field. She concluded that the bill would jeopardize the future of some of the most vulnerable youth.

[2:29:29 PM](#)

NITHYA THIRU, Queer & Trans Justice Program Manager, American Civil Liberties Union of Alaska, testified in opposition to HB 338. She said the bill would make it more likely that insurers would not cover gender affirming care for youth due to increased liability, thereby adding another roadblock for trans people.

[2:30:36 PM](#)

MO DART, representing self, testified in opposition to HB 338. She said the bill is an attempt to scare away medical professionals and limit access to gender affirming care for youth, which is another attack on queer youth.

[2:31:53 PM](#)

PAMELA SAMASH, representing self, testified in support of HB 338. She said she is supportive of parental rights; however, there is no right to mutilate a child. She urged the committee to "end this" to avoid higher Medicaid payments down the line, and to protect [children's] health and future.

[2:33:18 PM](#)

XOCHITL MUNOZ, representing self, testified in opposition to HB 338. She shared a personal anecdote and urged the committee to talk to trans people about their experiences and to oppose the bill.

[2:34:23 PM](#)

JULIE SMYTH, representing self, testified in opposition to HB 338. She urged the committee to oppose the bill if they support kids.

[2:35:47 PM](#)

REBECCA BERNARD, representing self, testified in opposition to HB 338. She said the bill runs counter to the overwhelming scientific evidence and medical opinion that gender affirming care is medically necessary, lifesaving care for many trans youths. If passed, she said the bill would be an unacceptable and misinformed intrusion by the state into the patient/physician relationship and the right of parents and their children to make their own healthcare decisions.

[2:37:11 PM](#)

KASEY MOW, representing self, testified in support of HB 338. She urged the passage of HB 338 because minors' brains need time to develop. She urged the committee to hold doctors accountable for the destruction of a child's body and the harmful effects that may follow this procedure.

[2:38:26 PM](#)

SALIM HOUCK, representing self, testified in opposition to HB 338. They shared a personal anecdote and expressed opposition to the bill because patients, families, and medical professionals, not politicians, know what's best for them. They requested that medical decisions be left to medical professionals.

[2:39:40 PM](#)

KC CASORT, representing self, testified in opposition to HB 338. She said it's hard enough to be a kid, and [children] do not need politicians making it harder for trans kids by denying them best practice medical care, limiting providers, and stigmatizing their care by singling it out as somehow different from other types of medical care for young people.

[2:40:54 PM](#)

LILLIAN LENNON, representing self, testified in opposition to HB 338. She said the bill could have profound effects on the health, safety, and stigma of trans people, and is an obvious attempt at intimidating healthcare professionals into denying gender affirming care for trans patients.

[2:42:51 PM](#)

ROSE TITUS, representing self, testified in opposition to HB 338. She expressed concern that bills like HB 338 could lead to targeting trans adults, queer people, and homeless communities, and denying them medical care as well.

[2:43:53 PM](#)

JEANNE SWARTZ, representing self, testified in opposition to HB 338. She said the bill is based on fear, ignorance, and prejudice, and expressed concern that the legislature is taking up valuable time on frivolous legislation.

[2:44:54 PM](#)

ELEANOR LOCKE, representing self, testified in opposition to HB 338. She shared her personal experience and expressed strong opposition to the bill.

[2:46:03 PM](#)

ELEANOR LOCKE, representing self, testified in opposition to HB 338 because it would increase sex trafficking in Alaska. She explained that when trans youth cannot access appropriate care, they face lifelong discrimination in employment and continuously turn to sex work as a social safety net.

[2:46:59 PM](#)

WINDY PERKINS, representing self, testified in support of HB 338. She said the bill is about holding medical professionals accountable for mutilating people's bodies.

[2:48:35 PM](#)

EMILY COHEN, representing self, testified in opposition to HB 338. She encouraged legislators not to overstep their role by assuming they have the expertise and knowledge to know the best outcome in private healthcare conversations between medical providers, families and children.

[2:49:33 PM](#)

KATRINA DOWELL, representing self, testified in opposition to HB 338. She said this kind of legislation would effectively drive away physicians from an already medically underserved state and negatively impact not only trans Alaskans, but all Alaskan children. She urged the committee to leave decisions regarding gender affirming care to patients, their families, and qualified physicians practicing evidence-based medicine.

[2:50:57 PM](#)

SERENE O'HARA-JOLLEY, representing self, testified in opposition to HB 338. She said the government has no business telling parents how to raise their children and should not be taking away the rights of families to make decisions with their doctors.

[2:52:12 PM](#)

MIKE COONS, representing self, testified in support of HB 338. He shared his experience as a paramedic and opined that any physician that prescribes hormonal drugs or performs these surgical procedures in violation of the law has committed child abuse and child sexual abuse.

[2:53:25 PM](#)

KATE VEH, representing self, testified in opposition to HB 338. She shared her understanding that there are no gender affirming surgeries happening in the state of Alaska and urged the committee to vote "no" on HB 338.

[2:54:22 PM](#)

MAXINE DOOGAN, President, Community United for Safety and Protection, testified in opposition to HB 338 and opined that the bill is government overreach.

CHAIR VANCE closed public testimony on HB 338. She noted that the bill would be taken up again later in the meeting.

[2:55:16 PM](#)

The committee took a brief at-ease at 2:55 p.m.

[2:57:08 PM](#)

CHAIR VANCE announced that HB 338 would be held over.

**HB 386-OBSTRUCTION OF PUBLIC PLACES; TRESPASSING**

[2:57:38 PM](#)

CHAIR VANCE announced that the next 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."

CHAIR VANCE opened public testimony on HB 386.

[2:58:17 PM](#)

MORGAN LIM, Government Relations Manager, Planned Parenthood Alliance Advocates, testified in opposition to HB 386. He said the language is so broad that it renders constitutionally protected speech illegal and so vague that those who wish to follow or enforce the law are unclear as to the legislation's scope. He added that there is no way for the state to neutrally apply this bill, which could be used to target politically disfavored speech, and raises more questions than answers as to what conduct is permissible in public. He opined that the new crime appears to criminalize homelessness in public places and could be weaponized by law enforcement to target marginalized groups.

[2:59:40 PM](#)

JARED SOLOMAN, representing self, testified during the hearing on HB 386. He characterized the bill as a fruitless attempt at squelching public participation. He opined that people no longer have a voice when it comes to influencing legislation, and the last resort is public protest.

[3:02:28 PM](#)

AMBER NICKERSON, representing self, testified in opposition to HB 386. She said it it's not right for [the legislature] to decide to take away federal rights.

[3:03:45 PM](#)

KEVIN MCGEE, representing self, testified in opposition to HB 386, which, he said, would suppress Alaskans' free speech in violation of their constitutional rights. He added that HB 386 would attempt to eliminate the intrinsic rights of free speech and peaceful assembly, not just through government action, but by enabling private companies to take individual Alaskans to court.

[3:05:12 PM](#)

MICHAEL PATTERSON, Party for Socialism and Liberation, Anchorage, testified in opposition to HB 386. He said the bill is an attack on free speech and the freedom to assemble. He shared that he is a disabled Iraq war veteran and did not imagine that he would come home to testify against a bill limiting his freedom of expression and free speech.

[3:06:22 PM](#)

JOSH SMITH, representing self, testified in opposition to HB 386. He said he is adamantly against the bill because it's constitutionally problematic and vague. He added that leaving its application to the discretion up to law enforcement could result in unequal application of the law. He concluded that these changes would actively sequester the participation of Alaskans' First Amendment rights.

[3:07:22 PM](#)

The committee took an at-ease from 3:07 p.m. to 3:11 p.m.

[3:11:25 PM](#)

STEPHANIE UZZELL, representing self, testified in opposition to HB 386. She said the bill is vague and broad, and blatantly goes against First Amendment rights. She opined that the bill is intended to silence dissent and would use money to disincentivize protesting; further, it would label all protestors at the state's discretion as felony offenders, which would then remove their voting power in the future.

[3:13:18 PM](#)

JESSE SAIKI, representing self, testified in opposition to HB 386. She said the bill is a terrifying overstep by Governor

Dunleavy and an attempt at controlling freedom of speech and the ability to rise up against oppressive systems. She urged the committee not to let [Alaskans'] rights be stripped away like the people of Louisiana, Mississippi, and Texas.

[3:14:43 PM](#)

DAVID LESLIE, representing self, testified in opposition to HB 386. He said the bill would be unequally applied and characterized it as an attempt at reinforcing white supremacy and [suppressing] marginalized communities.

[3:15:58 PM](#)

AUSTEN COULSON, representing self, testified in opposition to HB 386. He said the bill represents a clear and present violation of the First Amendment of the U.S. Constitution to make no law abridging the freedom of speech or the right to peacefully assemble. He added that the bill is a clear attempt at intimidating working class activists and organizers from exercising their rights.

[3:16:56 PM](#)

JASON LAND, representing self, testified in opposition to HB 386. He said the bill is a waste of time and money, and an attempt to scare protestors. He opined that others would be looped in too, because of the bill's vague language.

[3:18:13 PM](#)

ROSE HART, representing self, testified in opposition to HB 386. She said HB 386 is merely an attempt at criminalizing citizens who are exercising their First Amendment rights. She opined that the bill could not be governed fairly.

[3:19:26 PM](#)

AYESHA NALIK, representing self, testified in opposition to HB 386. She expressed alarm that the bill would make it so anyone who protests Governor Dunleavy or displays any political dissent that was not preapproved beforehand would be labeled as a class C felon.

[3:20:45 PM](#)

CARLY JENSEN, representing self, testified in opposition to HB 386. She said the bill is too broad and would criminalize individuals for engaging in their civic duty while demonizing the police force by forcing them to enforce vague laws.

[3:21:36 PM](#)

JULIE SMYTH, representing self, testified in opposition to HB 386. She said it "boggles [her] mind" that the bill is coming from the same people whose party taught her to defend First Amendment rights at all costs. shared a personal anecdote and said the bill would lead to many arrests of marginalized people.

[3:23:00 PM](#)

CYNTHIA GACHUPIN, representing self, testified in opposition to HB 386. She said the bill violates First Amendment rights and would criminalize protestors and organizers in Alaska. She urged a "no" vote on the bill because it's unconstitutional and unnecessary.

[3:24:38 PM](#)

MICHAEL GARVEY, Advocacy Director, American Civil Liberties Union of Alaska, testified in opposition to HB 386. He said the ACLU of Alaska is opposed to the bill because it's an unconstitutional and over broad bill that would chill Alaskans' rights of free speech and assembly. He opined that HB 386 could apply to a broad range of behavior and relies on the state's discretion, adding that whoever is in power could apply the bill in a discriminatory way.

[3:25:55 PM](#)

KC CASORT, representing self, testified in opposition to HB 386 because she does not believe in creating more reasons to arrest Alaskans for exercising their fundamental right to protest. She concluded that the bill would crack down on open conversations and public gatherings and is deeply undemocratic and unacceptable.

[3:27:20 PM](#)

KACEY HOPSON, Interim Director of the Alaska Native Policy Center, First Alaskans Institute, testified in opposition to HB 386. She said the bill would stifle and silence people from speaking out on important issues for fear of being criminalized

with a felony offense. Further, the language is vague and broad, and risks being used to target disfavored speech, she said, and expressed concern that provisions could be extended to target those experiencing homelessness.

[3:28:39 PM](#)

EMILY COHEN, representing self, testified in opposition to HB 386. She said the bill is an unconstitutional attempt at removing First Amendment rights to peaceful assembly and protests and urged the committee not to pass it.

[3:29:07 PM](#)

SERENE O'HARA-JOLLEY, representing self, testified in opposition to HB 386. She pointed out that blocking a major roadway or port is already an arrestable offense, adding that the bill is really an attempt at further entrenching bias and power. She added that the bill cannot be agnostic because the very definitions are left up to the officer or the court. She opined that the bill would be weaponized against populations and characterized it as a power grab to give officers more leverage to punish those they disagree with.

[3:30:20 PM](#)

ANEL COLLINS, representing self, testified in opposition to HB 386. She said the bill would give anyone with authority and animus the ability to cause problems and charge protestors with a felony.

[3:31:31 PM](#)

CAROLINA SAAVEDRA, representing self, testified in opposition to HB 386. She said the bill is designed to have a chilling effect on freedom of speech and freedom to assembly and seeks to give insider discretion to the police to decide when and whom to apply the law. She added that the over broad bill would expose Alaskans to felony charges and private lawsuits and urged the committee to reject it.

[3:32:47 PM](#)

MIKE COONS, representing self, testified in support of HB 386. He said the bill would give law enforcement an additional tool to stop terrorists from blocking access. He opined that tossing

these terrorists into jail for violating [Alaskans'] rights is what must be done.

CHAIR VANCE closed public testimony on HB 386.

[3:34:32 PM](#)

The House Judiciary Standing Committee was recessed at 3:34 p.m., to be continued at 5:30 p.m.

[5:45:07 PM](#)

CHAIR VANCE called the House Judiciary Standing Committee meeting back to order at 5:45 p.m. Representatives Carpenter, C. Johnson, Sumner, Gray, Groh, Allard, and Vance were present at the call back to order.

[5:45:58 PM](#)

REPRESENTATIVE ALLARD moved to adopt Amendment 1 to HB 386, labeled 33-GH2378\A.5, C. Radford, 4/16/24, which read:

Page 1, line 4, following "**waters;**":  
Insert "**relating to the unlawful obstruction or blocking of traffic;**"

Page 5, following line 2:  
Insert a new bill section to read:  
"**\* Sec. 11.** AS 28.35.140(a) is repealed."

Renumber the following bill sections accordingly.

Page 5, line 7:  
Delete "July 1."  
Insert "July 1,"

REPRESENTATIVE CARPENTER objected.

[5:46:25 PM](#)

CORI MILLS, Deputy Attorney General (Civil Division), Office of the Attorney General, Department of Law, explained that Amendment 1 is a cleanup amendment. She deferred to Ms. Schroeder.

KACI SCHROEDER, Assistant Attorney General, Criminal Division (Legal Services Section), Department of Law, stated that

Amendment 1 would repeal AS 28.35.140(a) to avoid a rule of lenity argument. In addition, the proposed amendment would fix a typo by removing the period after "July 1" and replacing it with a comma.

[5:48:37 PM](#)

REPRESENTATIVE GRAY asked whether Amendment 1 would increase the penalty for the obstruction of navigable waters.

MS. MILLS said it would not touch the navigable waters statute.

REPRESENTATIVE CARPENTER removed his objection. There being no further objection, Amendment 1 was adopted.

[5:49:26 PM](#)

REPRESENTATIVE GROH moved to adopt Amendment 2 to HB 386, labeled 33-GH2378\A.2, C. Radford, 4/15/24, which read:

Page 1, line 4, following "**waters;**":

Insert "**relating to the duties of the attorney general**"

Page 5, following line 2:

Insert a new bill section to read:

"\* **Sec. 11.** AS 44.23.020 is amended by adding a new subsection to read:

(1) The attorney general shall

(1) develop and make available an online tool the public may use to report an obstruction that violates AS 02.20.050, AS 11.61.150, 11.61.155, or AS 38.05.128; the reporting tool must include a function that allows for the taking and attaching of photographs relating to the alleged obstruction;

(2) in consultation with the commissioner of public safety, determine which obstructions reported under (1) of this subsection require the filing of criminal charges; and

(3) develop regulations and procedures to implement the requirements established under this subsection."

Renumber the following bill sections accordingly.

REPRESENTATIVE C. JOHNSON objected.

[5:49:45 PM](#)

REPRESENTATIVE GROH explained that Amendment 2 would make it easier for the public to report an obstruction with an online reporting tool.

REPRESENTATIVE GRAY sought to confirm that Amendment 2 would offer an online tool to take pictures of obstruction.

REPRESENTATIVE GROH said the system would allow photographs to be forwarded to make it easier for the law to achieve its intended ends.

[5:52:03 PM](#)

REPRESENTATIVE C. JOHNSON asked whether the photo could be used to charge someone who is no longer obstructing or whether the individual would have to be caught physically in the act.

REPRESENTATIVE GROH said the tool would create a centralized system.

REPRESENTATIVE C. JOHNSON restated the question and asked how the tool would be used.

[5:54:05 PM](#)

MS. MILLS explained that first, the photo would need to be verified. If it met evidentiary requirements and could be proven beyond a reasonable doubt, the photo could be used as evidence against someone even if the police didn't see it or intervene in the situation.

REPRESENTATIVE C. JOHNSON asked, "Does this subject this to artificial intelligence if you could create a picture?"

MS. MILLS reiterated that the photo would need to be verified to be used as evidentiary proof.

[5:55:24 PM](#)

REPRESENTATIVE SUMNER stated that the proposed amendment may have a significant fiscal impact. He asked whether Amendment 2 is so important that it's worth endangering the bill's ability to advance by adding more committee referrals.

[5:56:02 PM](#)

REPRESENTATIVE CARPENTER asked from a law enforcement perspective, whether the online tool is necessary.

MS. MILLS said DOL does not see Amendment 2 as necessary because law enforcement already has a good process for investigations.

[5:57:31 PM](#)

REPRESENTATIVE GROH stated that Amendment 2 would offer a more efficient way to make the bill work.

[5:57:56 PM](#)

A roll call vote was taken. Representative Groh voted in favor of Amendment 2. Representatives Gray, Allard, Carpenter, C. Johnson, Sumner, and Vance voted against it. Therefore, Amendment 2 failed by a vote of 1-6.

[5:58:46 PM](#)

REPRESENTATIVE GROH moved to adopt Amendment 3 to HB 386, labeled 33-GH2378\A.3, C. Radford, 4/15/24, which read:

Page 2, following line 5:

Insert new bill sections to read:

"\* **Sec. 4.** AS 09.50.250 is amended by adding a new subsection to read:

(b) Notwithstanding (a) of this section, a person may bring an action against the state for a claim arising under AS 09.65.360.

\* **Sec. 5.** AS 09.65.070 is amended by adding a new subsection to read:

(f) Notwithstanding (d) of this section, a person may bring an action against a municipality for a claim arising under AS 09.65.360."

Renumber the following bill sections accordingly.

Page 2, line 10, following "AS 38.05.128":

Insert ", or the state or a municipality that fails to remove a substance in violation of AS 11.61.150(a)(3),"

Page 2, line 23:

Delete "of a person"

Page 3, line 23:  
Delete "or"  
Insert "[OR]"

Page 3, line 25, following "hazard":

Insert "; or  
(3) fails to remove a substance that the person has a duty to remove from a highway and the substance creates a substantial risk of physical injury to others or renders the highway impassable or passable only with unreasonable inconvenience or hazard"

REPRESENTATIVE C. JOHNSON objected.

[5:58:53 PM](#)

REPRESENTATIVE GROH explained that Amendment 3 would allow citizens to bring civil action against the state or municipality for failure to remove from a highway a substance that creates substantial risk of physical injury or renders the highway impassable, such as snow.

[6:00:52 PM](#)

REPRESENTATIVE C. JOHNSON opined that members are going "off the rails" by comparing knowing obstruction to massive snowfall. He added that he could not support [Amendment 3].

[6:02:35 PM](#)

REPRESENTATIVE SUMNER asked whether the state or municipality has a legal duty to remove snow.

[6:03:16 PM](#)

CLAIRE RADFORD, Attorney, Legislative Legal Services, Legislative Affairs Agency, said she did not know the answer.

[6:03:46 PM](#)

ANDY MILLS, Legislative Liaison, Office of the Commissioner, Department of Transportation & Public Facilities, stated that the obstructions created by snow removal are to increase access on primary [roadways] until sidewalks can be cleared, or the snow can be hauled.

REPRESENTATIVE GROH stated that Amendment 3 addresses real problems for his constituents and other Alaskans, as opposed to the far-fetched problems that the legislation seeks to address.

[6:05:54 PM](#)

A roll call vote was taken. Representatives Gray and Groh voted in favor of Amendment 3. Representatives Sumner, Allard, Carpenter, C. Johnson, and Vance voted against it. Therefore, Amendment 3 failed by a vote of 2-5.

[6:06:28 PM](#)

REPRESENTATIVE GRAY moved to adopt Amendment 4 to HB 386, labeled 33-GH2378\A.4, C. Radford, 4/16/24, which read:

Page 4, line 9, following "knowingly":

Insert "(1)"

Page 4, line 11, following "hazard":

Insert "; or

(2) carries an unconcealed firearm in a manner that impedes another person's access to a public place"

Page 4, line 14:

Delete the second occurrence of "or"

Page 4, line 15, following "conduct":

Insert ", other than carrying an unconcealed firearm, that is"

Page 4, line 16, following "premises":

Insert ";

(3) a peace officer carrying an unconcealed firearm within the scope and authority of the officer's employment; or

(4) a person carrying a firearm while hunting in an area where hunting is authorized by law"

REPRESENTATIVE CARPENTER objected.

[6:06:37 PM](#)

REPRESENTATIVE GRAY explained that Amendment 4 would make it a crime of obstruction of free passage in a public place if someone were obviously carrying an unconcealed firearm. The

amendment would not apply to law enforcement or someone hunting. He expressed his fear that given the current political climate, Alaska is at risk of folks openly displaying firearms in front of polling places to discourage people certain from voting. Amendment 4 would prevent that threat to democracy, he said.

[6:09:10 PM](#)

REPRESENTATIVE SUMNER referenced the constitutional right to bear arms and expressed his objection to the proposed amendment.

REPRESENTATIVE ALLARD expressed concern that Amendment 4 would violate the Second Amendment.

[6:10:09 PM](#)

A roll call vote was taken. Representatives Gray and Groh voted in favor of Amendment 4. Representatives C. Johnson, Sumner, Allard, Carpenter, and Vance voted against it. Therefore, Amendment 4 failed by a vote of 2-5.

CHAIR CARPENTER referenced the legal memorandum ("memo") dated 4/15/24 from Claire Radford [hard copy included in the committee packet].

[6:11:16 PM](#)

The committee took a brief at-ease.

[6:12:10 PM](#)

REPRESENTATIVE CARPENTER directed attention to lines 10-11 on page 4 of the bill and pointed out that there is wide room for disagreement on what is considered an unreasonable inconvenience.

[6:14:08 PM](#)

REPRESENTATIVE CARPENTER moved Conceptual Amendment [5] to strike the words "or passable only with unreasonable inconvenience or hazard" on page 4, lines 10-11.

REPRESENTATIVE SUMNER objected.

[6:14:46 PM](#)

REPRESENTATIVE CARPENTER explained that the aforementioned legal memo states that such vague statutory language would likely be unconstitutional. He added that he offered Conceptual Amendment [5] for that reason.

REPRESENTATIVE SUMNER contended that a "reasonableness finding" is not overly vague; further, he opined that to allow only for total impassability would narrow the bill more than [the committee] would want.

[6:15:56 PM](#)

REPRESENTATIVE GRAY asked whether Conceptual Amendment 5 would satisfy the constitutional concerns about the bill.

MS. RADFORD said it's difficult to say with certainty what the courts would deem unconstitutional in relation to the bill. Nonetheless, she acknowledged that the proposed conceptual amendment would alleviate some of the risk related to a court finding the provision unconstitutional on grounds of vagueness.

[6:17:04 PM](#)

REPRESENTATIVE GROH asked whether Conceptual Amendment [5] would address the constitutional concerns referenced in the legal memo, dated April 15, 2024.

MS. RADFORD said there is a risk that even with Conceptual Amendment [5], the bill could be found to be unconstitutional.

REPRESENTATIVE GROH asked Ms. Radford to elaborate on that.

MS. RADFORD explained that a court would consider certain factors, such as the forum where the speech takes place, whether the government restrictions are narrowly tailored to serve a significant government interest, and whether there are alternate channels for the communication of information, when determining whether a free speech violation occurred either as the statute is written or as it is applied to certain conduct.

REPRESENTATIVE SUMNER said he did not see the need to delete language that, he believes, is not vague, as similar ordinances were upheld by the Eight Circuit in Langford.

CHAIR VANCE recalled a scenario in which individuals chained themselves to the door of a building that was being used to convene a special session of the Alaska State Legislature in

Wasilla. She asked whether that situation could be deemed an unreasonable inconvenience.

MS. MILLS said the law is based on a reasonableness standard, which is an objective standard that already exists in state law and therefore, could be easily implemented by law enforcement.

[6:25:00 PM](#)

REPRESENTATIVE CARPENTER pointed out that as written, the bill would make it so a person's First Amendment right is subjected to law enforcement's opinion on what is considered inconvenient, which he deemed "wide open for vagueness" and completely unreasonable.

MS. MILLS, in response to a question from Representative Groh, said she found no Alaska Supreme Court Cases that would indicate that this case would be treated differently than the cases cited in the legal memo.

REPRESENTATIVE GROH asked whether the Alaska Supreme Court considers itself governed in its interpretation of the Alaska Constitution by federal courts rulings on the similar provisions in the U.S. Constitution.

MS. RADFORD said it was more efficient to look at the federal record on these issues.

[6:30:47 PM](#)

REPRESENTATIVE SUMNER said he strongly objects to Conceptual Amendment [5] because the bill clearly states that a reasonable person must think that they're causing these issues.

REPRESENTATIVE CARPENTER reiterated that what's inconvenient to one person may not be inconvenient to another.

[6:32:11 PM](#)

REPRESENTATIVE ALLARD pointed out that discretion is left up to law enforcement on many issues. She shared an example.

REPRESENTATIVE SUMNER opined that what constitutes total impassability is vaguer than the language in the bill.

[6:33:35 PM](#)

A roll call vote was taken. Representatives Carpenter, Gray, and Groh voted in favor of Conceptual Amendment 5. Representatives C. Johnson, Sumner, Allard, and Vance voted against it. Therefore, Conceptual Amendment 5 failed by a vote of 3-4.

[6:34:24 PM](#)

REPRESENTATIVE GRAY posed a hypothetical scenario and shared his understanding that a person who created a Facebook post encouraging people to protest could be held liable to a minimum fine of \$10,000.

MS. RADFORD said the civil liability provision in AS 09.65.360, subsection (c) could expose a person to liability for sharing information about a protest that results in the obstruction of free passage regardless of whether the person attended themselves.

REPRESENTATIVE GRAY suggested that this section could inhibit a person's free speech on social media.

MS. RADFORD acknowledged that there is a risk that exposing a person to liability under this section for the sharing of information could be considered an unconstitutional infringement on free speech.

[6:37:19 PM](#)

REPRESENTATIVE SUMNER shared his understanding that to be held liable under this section, a person would need to instruct protesters to block a highway, for example, and that a person would not be liable for simply advertising a protest.

REPRESENTATIVE GRAY read the following statement from the legal memo: "without any requirement that the person know that an obstruction is a likely or even possible result". He emphasized that the person would not need to know whether obstruction is possible.

[6:39:06 PM](#)

REPRESENTATIVE ALLARD asked whether a disclaimer on the Facebook post would help.

MS. RADFORD said is unsure whether a disclaimer on a post that shares information would be sufficient in preventing liability.

[6:39:50 PM](#)

REPRESENTATIVE ALLARD asked Ms. Mills to speak to this section.

MS. MILLS read subsection (a) on page 2 of the bill, emphasizing that conduct referred to in subsection (b) is the obstruction, not the protest. She indicated that the Facebook post would need to specifically encourage obstruction.

[6:42:11 PM](#)

REPRESENTATIVE GROH suggested that subsection (e) would appear to allow any person anywhere in the world to be haled into court in Alaska for little more than encouraging speech or activity in Alaska. He asked whether the provision would meet constitutional requirements in terms of jurisdiction.

MS. MILLS reiterated that the conduct is obstruction, not speech. She explained that the provision is a long-arm statute that allows outsiders to be held liable inside the state for actions that have a nexus to the state. She added that DOL has no constitutional concerns.

REPRESENTATIVE GROH directed the question to Ms. Radford.

MS. RADFORD did not know the answer and offered to follow up with the requested information.

[6:44:59 PM](#)

REPRESENTATIVE CARPENTER pointed out that bill speaks to unreasonable inconveniences, in addition to obstruction.

REPRESENTATIVE GRAY asked Ms. Mills to define "jointly and severally liable."

MS. MILLS said it's a way to apply one set of damages to a group of defendant parties.

[6:46:49 PM](#)

REPRESENTATIVE GRAY posed a hypothetical example involving the obstruction of a neighborhood park. He remarked, "I just don't see how saying on Facebook that there's ... going to be this protest at this park ... how that person has not encouraged someone to engage in that conduct, even though they didn't know

that so many people were going to show up and that the park was going to be completely unusable to that family."

MS. MILLS highlighted the importance of the word "knowingly," and reiterated that the Facebook post would need to encourage the conduct of making something impassable.

REPRESENTATIVE GRAY asked Ms. Radford whether she made a mistake in her legal memo by stating that the person doesn't have to know that his/her encouragement of this protest would result in obstruction.

MS. RADFORD said she did not make a mistake. She shared her understanding that the knowing component would be for the person who obstructs access in violation of statute.

[6:49:36 PM](#)

REPRESENTATIVE GRAY reiterated his concern that by his reading of subsection (b) on page 2, the person posting on Facebook could be held liable.

MS. MILLS emphasized that the intent was never to hold someone civilly liable for supporting a protest. She agreed that the "knowingly" lies on the entities that are obstructing; however, she reiterated that [the Facebook post] would need to be encouraging the behavior of obstruction.

REPRESENTATIVE GRAY recalled that during the previous bill hearing, the attorney general stated that a homeless person sleeping on a sidewalk could be guilty of this crime.

MS. MILLS pointed out that with regard to homeless individuals, the components of the crime would still need to be met.

REPRESENTATIVE GRAY asked Ms. Mills to show the committee where "knowingly" is in the bill.

MS. MILLS directed attention to page 4, line 10 of the bill.

[6:52:21 PM](#)

REPRESENTATIVE ALLARD opined that the law would not pertain to social media if it's not referenced in the bill.

MS. MILLS said no, not under the circumstances that [the committee] has been talking about.

[6:54:07 PM](#)

CHAIR VANCE asked how fire laws intersect with the obstruction of free passage of public places.

MS. MILLS said it's never possible to name all the circumstances or specificity in criminal law, which is why checks and balances are important.

[6:56:48 PM](#)

REPRESENTATIVE GRAY asked if someone is found civilly liable, it also means that person committed the crime.

MS. MILLS answered yes, with one slight difference. In a criminal case, allegations must be proven beyond a reasonable doubt, whereas in a civil case, it's a preponderance of the evidence. She added that just because a person is found criminally liable, he/she may not necessarily be criminally liable.

[6:57:52 PM](#)

REPRESENTATIVE GRAY directed attention to subsection (b) on page 2 and sought to confirm that a person who indirectly encourages people to participate in an event that results in obstruction would be protected because they didn't "knowingly know it."

MS. MILLS responded, "Correct." She reiterated that "conduct" is the operative word [in subsection (b)].

REPRESENTATIVE GRAY asked whether Ms. Radford agrees with Ms. Mills' interpretation.

MS. RADFORD said ultimately, DOL would be the one bringing these cases; however, she opined that the provision could be better worded to negate any possible issues.

[6:59:58 PM](#)

REPRESENTATIVE GROH directed attention to Section 4 and asked Ms. Mills whether she agrees that this new framework for civil action is different than existing Alaska law.

MS. MILLS answered yes, these specific damages provisions are a unique construct.

REPRESENTATIVE GROH asked Ms. Mills to describe the relationship between the interplay of the following mental states: knowingly and strict liability.

MS. MILLS contended that this is not a unique component of the bill. She explained that if the elements of the crime are met in a civil context, strict liability would apply.

REPRESENTATIVE GROH asked for a more specific example.

[7:02:17 PM](#)

PARKER PATTERSON, Attorney, Legislation, Regulations & Legislative Research Section, Department of Law, described the strict liability standard and explained that if the law was violated, the plaintiff would not need to show that it was negligently violated.

REPRESENTATIVE GROH directed the question to Ms. Radford.

MS. RADFORD said she had nothing to add.

CHAIR VANCE sought final comments from committee members.

[7:06:15 PM](#)

REPRESENTATIVE GRAY shared his belief that there are real constitutional concerns with this bill. Ultimately, he said he worries about people's freedom of speech and ability to protest, and that the law could be implemented against some people and not others. He characterized the bill as a solution looking for a problem.

[7:07:22 PM](#)

REPRESENTATIVE CARPENTER said he objected to the bill moving from committee today. He explained that there are parts of the bill that he wholeheartedly supports; however, because the bill deals with constitutional rights and a situation that is ripe for abuse under certain circumstances, he said he would err on the side of caution, adding that he was not willing to support it in its current fashion.

REPRESENTATIVE GROH said he associated himself with the comments made by both Representative Gray and Representative Carpenter. He stated that he has substantial constitutional and practical

concerns about the provisions in the legislation regarding both criminal and civil liability.

REPRESENTATIVE ALLARD said she disagrees with some members' interpretations. She expressed her support for the bill and its intent.

REPRESENTATIVE SUMNER pointed out the term "inconvenient" is used elsewhere in Alaska Statutes.

CHAIR VANCE agreed that certain words are concerning; however, one person's constitutional right does not supersede another's. She pointed out that it is the government's job to provide for public safety and prevent obstruction that can cause harm to individuals. She shared her belief that when people are intentionally disregarding the rights of other citizens, the government needs to step in.

[7:16:36 PM](#)

REPRESENTATIVE ALLARD moved to report HB 386, as amended, out of committee with individual recommendations and the accompanying fiscal notes. She gave Legislative Legal Services permission to make technical and conforming changes as necessary.

[An inaudible objection was made by a committee member.]

[7:16:56 PM](#)

A roll call vote was taken. Representatives C. Johnson, Sumner, Allard, and Vance voted in favor of reporting HB 386, as amended, from committee. Representatives Carpenter, Gray, and Groh voted against it. Therefore, CSHB 386(JUD) was reported out of the House Judiciary Standing Committee by a vote of 4-3.

[7:17:27 PM](#)

The committee took an at-ease from 7:17 p.m. to 7:23 p.m.

**HB 105-SEX/REPRODUCTION EDUCATION; SCHOOLS**

[7:23:02 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, adopted as the working document on 4/15/24, was the proposed committee substitute (CS) for HB 105, Version 33-GH1072\0, Bergerud, 4/13/24 ("Version O").]

REPRESENTATIVE GROH moved to adopt Amendment 2 to Version O, labeled 33-GH1072\0.7, Bergerud, 4/16/24, which read:

Page 3, following line 13:

Insert a new subsection to read:

"(g) A school district shall maintain a database of which pronouns are approved to use in reference to each student. The department shall regularly audit the database for compliance with AS 14.03.016(a)(7)."

[An inaudible objection was made by a committee member.]

[7:23:38 PM](#)

REPRESENTATIVE GROH explained that Amendment 2 would require school districts to maintain a database of approved pronouns. It would also require that the Department of Education and Early Development (DEED) regularly audit the database for compliance with the law.

REPRESENTATIVE SUMNER opined that Amendment 2 sounds like a tremendous waste of money.

REPRESENTATIVE ALLARD agreed that another database would not be necessary.

[7:25:31 PM](#)

REPRESENTATIVE GRAY suggested that the database could be helpful in preventing teachers from being sued for using the wrong pronoun.

REPRESENTATIVE GROH urged the committee's support of Amendment 2, which would address a gap in the law to make it more workable in attaining its goal.

[7:27:10 PM](#)

A roll call vote was taken. Representatives Gray and Groh voted in favor of Amendment 2. Representatives Allard, Carpenter, C.

Johnson, Sumner, and Vance voted against it. Therefore, Amendment 2 failed by a vote of 2-5.

[7:27:48 PM](#)

REPRESENTATIVE CARPENTER moved to adopt Amendment 1 to Version 0, labeled 33-GH1072\0.8, Bergerud, 4/16/24, which read:

Page 3, following line 13:

Insert a new subsection to read:

"(g) A local school board shall, in consultation with parents, teachers, and school administrators, adopt policies recognizing the constitutional rights of persons who are not school district employees when the persons are on school grounds and at school events, including parents, students, and visitors, to exercise speech unconstrained by proscriptive or restrictive speech requirements, including the use of preferred pronouns."

REPRESENTATIVE ALLARD objected.

[7:27:56 PM](#)

REPRESENTATIVE CARPENTER explained that Amendment 1 would insert a new subsection (g). He indicated that the proposed amendment would emphasize the constitutional rights of visitors and parents who are not employees of the school district.

REPRESENTATIVE ALLARD asked for an example of Amendment 1.

REPRESENTATIVE CARPENTER stated that parents and students would retain their First Amendment rights to recognize or not recognize [the preferred pronouns] as long as it's not impolite or offensive.

REPRESENTATIVE SUMNER said he would not want to give visitors the right to scream pronouns in his child's kindergarten class.

REPRESENTATIVE CARPENTER said that is not the intent of Amendment 1.

REPRESENTATIVE SUMNER said if that is not the intent, then perhaps the language should be changed to reflect that.

[7:33:10 PM](#)

REPRESENTATIVE GRAY pointed out that politeness is not a requirement. He asked whether unpolite speech would also be protected by Amendment 1.

REPRESENTATIVE CARPENTER expressed his hoped that school policy would require students and teachers to be polite to each other, and that it would not need to be prescribed in state law. He said Amendment 1 is intended to protect parents and visitors from being forced into using pronouns "that don't make any sense."

REPRESENTATIVE GRAY asked whether visitors would be held liable for failing to use the preferred pronouns without Amendment 1.

[7:35:57 PM](#)

DEBORAH RIDDLE, Division Operations Manager, Innovation and Education Excellence, Department of Education and Early Development, deferred to a legal expert.

REPRESENTATIVE GRAY asked Legislative Legal Services whether visitors would be expected to follow school rules without Amendment 1.

[7:37:35 PM](#)

MARGARET BERGERUD, Legislative Legal Services, Legislative Affairs Agency, said currently, visitors have First Amendment rights to address individuals in their preferred manner. She shared her understanding that schools cannot enforce the use of preferred names or pronouns on visitors. She added that it's reasonable to assume that most schools have community standards and community guidelines that enforce some sort of politeness standard.

REPRESENTATIVE SUMNER clarified that nothing in the bill would create individual liability.

REPRESENTATIVE ALLARD said that by her reading of Amendment 1, parents and students would be able to call another student anything they want.

[7:40:01 PM](#)

REPRESENTATIVE CARPENTER directed attention to page 2, [paragraph] 7, and asked whether it would be possible for a school district to create a school policy that requires students

to refer to other students and/or teachers by their preferred pronouns.

MS. RIDDLE answered yes, school districts can make policy about managing communication between students and teachers.

REPRESENTATIVE CARPENTER stated that Amendment 1 is trying to get at that very thing.

[7:42:45 PM](#)

The committee took an at-ease from 7:42 p.m. to 7:45 p.m.

[7:45:51 PM](#)

REPRESENTATIVE SUMNER moved Conceptual Amendment 1 to Amendment 1 to strike "including" on line 7 and replace it with "regarding."

REPRESENTATIVE ALLARD objected.

[7:46:13 PM](#)

REPRESENTATIVE SUMNER explained that without making this change, schools would not be able to restrict speech in any manner. He opined that visitors should not have an unconstrained right to free speech and scream obscenities in a kindergarten class, for example, nor should school districts be required to adopt such a policy.

REPRESENTATIVE GRAY asked what action a teacher would take if a student insists on using pronouns other than the approved pronouns.

MS. BERGERUD said if Version 0 were to become law, teachers would be bound to use the pronouns on the permission slip.

REPRESENTATIVE GRAY asked whether teachers would be required to notify the parents in this scenario.

MS. BERFERUD stated that there is no parental notification requirement in the bill.

REPRESENTATIVE CARPENTER said he recognized Conceptual Amendment 1 as a friendly amendment.

REPRESENTATIVE ALLARD removed her objection. There being no further objection, Conceptual Amendment 1 to Amendment 1 was adopted.

[7:51:44 PM](#)

REPRESENTATIVE SUMNER removed his objection to Amendment 1, as amended.

REPRESENTATIVE GRAY objected.

[7:51:50 PM](#)

A roll call vote was taken. Representatives Allard, Carpenter, C. Johnson, Sumner, and Vance voted in favor of Amendment 1, as amended. Representatives Groh and Gray voted against it. Therefore, Amendment 1, as amended, passed by a vote of 5-2.

[7:52:32 PM](#)

REPRESENTATIVE GROH said he would not be offering Amendment 3.

[7:52:38 PM](#)

REPRESENTATIVE GRAY said he would not be offering Amendment 4. He moved to adopt Amendment 5 to Version 0, labeled 33-GH1072\0.9, Bergerud, 4/16/24, which read:

Page 1, line 5, following "**prevention;**":

Insert "**relating to required education for children committed to the custody of the Department of Family and Community Services;**"

Page 5, following line 22:

Insert a new subsection to read:

"(g) Notwithstanding AS 14.03.016(a)(2) and (3) and (e) of this section, a school shall ensure that a child committed to the custody of the Department of Family and Community Services receives

(1) sex education, human reproduction education, and human sexuality education under this section;

(2) sexual abuse and sexual assault awareness and prevention education under AS 14.30.355; and

(3) teen dating violence and abuse awareness and prevention education under AS 14.30.356."

REPRESENTATIVE ALLARD objected.

[7:52:57 PM](#)

REPRESENTATIVE GRAY explained that Amendment 5 would require children in the custody of the Office of Childrens Services (OCS), [Department of Family and Community Services], to receive comprehensive sex education, Bree's Law, and Aaron's Law.

[7:53:42 PM](#)

REPRESENTATIVE CARPENTER asked what age group this would apply to.

REPRESENTATIVE GRAY answered that age group covered by the bill.

[7:53:58 PM](#)

REPRESENTATIVE ALLARD asked at what age these kids would be taught this comprehensive sex education.

REPRESENTATIVE GRAY asked Ms. Riddle what age children were taught Aaron's Law and Bree's Law.

MS. RIDDLE offered to follow up with the requested information.

REPRESENTATIVE GRAY directed the question to Ms. Bergerud.

MS. BERGERUD did not know the answer.

[7:55:40 PM](#)

REPRESENTATIVE CARPENTER, citing page 5, subsection (f), shared his understanding that the required training would not apply to kindergarteners. Nonetheless, he asked whether Amendment Kindergarten; he asked whether Amendment 5 would apply to all other age groups.

REPRESENTATIVE GRAY said the intent is not to expand sex education to new age groups. He clarified that the intent of Amendment 5 is to ensure that children in the custody of OCS are receiving this education and cannot be opted out by a foster parent.

[7:57:02 PM](#)

A roll call vote was taken. Representatives Gray and Groh voted in favor of Amendment 5. Representatives Allard, Carpenter, C. Johnson, Sumner, and Vance voted against it. Therefore, Amendment 5 failed by a vote of 2-5.

REPRESENTATIVE GRAY said he would not be offering Amendment 6.

CHAIR VANCE sought questions on Version O, as amended.

[7:58:16 PM](#)

REPRESENTATIVE GRAY directed attention to page 2, lines 21-26 of the bill, and asked whether children could still be referred to by their peers by their preferred pronouns even if those pronouns differ from the ones on the permission slip.

MS. BERGERUD answered yes, that is a fair characterization.

REPRESENTATIVE GRAY sought to confirm that as long as the school employees follow the names on the permission slip, there's no need for parents to be notified that the child is using a different name or pronoun.

MS. BERGERUD said there's nothing in this bill that would require that sort of notification.

[8:00:31 PM](#)

REPRESENTATIVE ALLARD directed attention to page 2, line 24, and asked whether schools could be sued by not enforcing the permission slips.

MS. BERGERUD clarified that her answer about parental notification was intended to be limited to a student that is going by a different set of names or pronouns amongst their peers.

REPRESENTATIVE ALLARD disagreed with Ms. Bergerud's interpretation. She asserted that the school would be required to notify the parents if the child is being referred to by something other than the names or pronouns on the permission slip.

[8:02:57 PM](#)

REPRESENTATIVE SUMNER shared his understanding that Section 7 only refers to the pronoun used by the public school to address or refer to the child in person and makes not reference to peer groups. He opined that this section is inadvisable because if a parent changes the child's preferred name to "attack helicopter," that parent could proceed to sue the school if a teacher does not properly use that name. He added that he is unclear about the goal.

REPRESENTATIVE ALLARD asked Mr. Ballinger whether schools would be required to notify the parents if a student is being called anything other than the names or pronouns identified on the permission slip and there would be a right to pursue legal action.

[8:05:02 PM](#)

BOB BALLINGER, Staff, Representative Sarah Vance, Alaska State Legislature, said the question would be how widespread that is. He shared his understanding that if a different name is being used by the peer group and it's not that widespread, then the bill would not require specific notification. Conversely, if the school is using that name, then the parents should be notified.

[8:06:40 PM](#)

REPRESENTATIVE GRAY posed a hypothetical scenario in reference to page 2, line 4 of Version O. If the U.S. Secretary of Transportation, Pete Buttigiege, were speaking to an elementary school and mentioned that he has a husband, he asked whether that would be considered a "matter of sexuality" and require a signed permission slip.

MR. BALLINGER answered no.

REPRESENTATIVE GRAY asked whether parents have rights if their child is not using the name or pronouns on the permission slip.

MS. RIDDLE did not know the answer.

[8:10:58 PM](#)

REPRESENTATIVE ALLARD referred to lines 21-26 and asked whether the school district would have a legal obligation to inform the

parents if their child is not being called by the parent requested name.

MS. BERGERUD shared her understanding that parents' rights would be violated if the school employees were not following the permission slips; however, peers would not be bound by anything in these provisions, which could change depending on which regulations were adopted.

REPRESENTATIVE ALLARD asked whether the school would be violating the law if the school knows that students are calling the child by something other than the name requested by the parents.

MS. BERGERUD answered no, because the language says, "used by a public school" as opposed to "used in a public school."

REPRESENTATIVE ALLARD disagreed with Ms. Bergerud's interpretation and opined that the school would be obligated to inform the parents in writing of the right to pursue legal action against the school district.

[8:15:17 PM](#)

REPRESENTATIVE GROH referenced the high rates of child sexual abuse, sexual assault, sexually transmitted diseases, and unintended pregnancies in Alaska and asked how the legislation, which creates barriers to student access to sex education, would improve those health outcomes.

MS. RIDDLE pointed out that curriculum choices lie with the district.

REPRESENTATIVE GROH said the bill would change Alaska law from opt out to opt in, thereby reducing access to sex education. He asked whether [the state] would be going in the wrong direction by cutting off this access to school age children who could benefit from it.

MS. RIDDLE declined to talk about policy. She reiterated that the department would create regulations in the best interest of the students if this law were to pass.

[8:19:49 PM](#)

REPRESENTATIVE SUMNER said he agreed with certain parts of the bill; however, he highlighted several problems with the bill, including Section 3 and how it interacts with Section 1.

CHAIR VANCE invited Mr. Ballinger to provide closing remarks and to address Representative Groh's question.

MR. BALLINGER explained that opt-in requirements ensure that there is contact with the parents. He emphasized the importance of engaging parents in the process for students' successful outcomes.

[8:23:12 PM](#)

REPRESENTATIVE GRAY asked what means a school district has to force a child to use a certain name or pronoun. He shared his belief that the opt-in requirement would result in fewer people receiving this very necessary education, as it's easy to miss permission slips to opt in. Lastly, he asked what problems the bill seeks to solve.

REPRESENTATIVE GROH said he likes the truancy provision, which addresses a real problem in Alaska. Based on his experience as a prosecutor, he expressed concern that the bill would lead to negative outcomes and as a result, he said he would not be supporting the legislation.

REPRESENTATIVE CARPENTER said he hopes that the bill could reverse the trend of parents pulling their kids from schools for alternative sources of education, citing the opt-in provision specifically.

CHAIR VANCE stated that the bill would reaffirm the rights of the parents and encourage relationships. She expressed her hope that the opt-in provision would open a dialogue between teachers and parents who do not opt in, and that teachers would be looking for cues and signals of abuse.

[8:30:20 PM](#)

REPRESENTATIVE ALLARD moved to report CSHB 105, Version 33-GH1072\0, Bergerud, 4/13/24, as amended, out of committee with individual recommendations and the accompanying fiscal notes.

REPRESENTATIVE GROH objected.

[8:30:56 PM](#)

A roll call vote was taken. Representatives Allard, Carpenter, C. Johnson, Sumner, and Vance voted in favor of reporting Version O, as amended, from committee. Representatives Gray and Groh voted against it. Therefore, CSHB 105(JUD) was reported out of the House Judiciary Standing Committee by a vote of 5-2.

[8:31:23 PM](#)

The committee took an at-ease from 8:31 p.m. to 8:38 p.m.

**HB 338-PHYS LBLTY: GENDER TRANS PROCEDURE;MINORS**

[8:38:06 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."

[Because of their length, some amendments discussed or adopted during the meeting are found at the end of the minutes for HB 338. Shorter amendments are included in the main text.]

[8:38:22 PM](#)

REPRESENTATIVE GRAY moved to adopt Amendment 1 to HB 338, labeled 33-LS1392\A.5, Gunther, 4/16/24, which read:

Page 1, line 1:  
Delete "**gender transition**"  
Insert "**certain**"

Page 1, following line 3:  
Insert a new bill section to read:  
"**\* Section 1.** The uncodified law of the State of Alaska is amended by adding a new section to read:  
LEGISLATIVE FINDING. The legislature finds that the average prevalence of surgical regret for all surgeries received by all people is 14.4 percent, while the average prevalence of surgical regret for gender affirming surgeries received by transgender and gender diverse individuals is less than one percent."

Page 1, line 4:  
Delete "**Section 1**"  
Insert "**Sec. 2**"

Renumber the following bill sections accordingly.

Page 2, line 15:

Delete "**gender transition**"

Insert "**certain**"

Page 2, line 16, following the second occurrence of "a":

Insert "surgical procedure or"

REPRESENTATIVE CARPENTER objected.

[8:38:29 PM](#)

REPRESENTATIVE GRAY stated that Amendment 1 would extend the bill to all forms of surgery.

[8:38:52 PM](#)

The committee took a brief at-ease.

[8:39:27 PM](#)

REPRESENTATIVE GRAY opined that Amendment 1 would make the bill more applicable to Alaskans, as they do not receive gender affirming surgery in Alaska.

REPRESENTATIVE GROH asked whether gender affirming surgery or home therapy is viewed as a casual matter in Representative Gray's experience.

REPRESENTATIVE GRAY explained that he was unable to comment on the surgery because it is not provided in Alaska. Nonetheless, he said hormone therapy is not considered casual in his experience.

[8:46:11 PM](#)

REPRESENTATIVE SUMNER wondered whether, by passing Amendment 1, few pediatric surgeons would be willing to practice in Alaska.

REPRESENTATIVE ALLARD shared her understanding that two major hospitals in Anchorage wanted to perform [gender affirming] surgeries on children and adults, which was stopped due to ethical concerns. She maintained her opposition to Amendment 1.

REPRESENTATIVE GRAY agreed with Representative Sumner that allowing children who underwent all kinds of surgery to sue for regret years later would have a chilling effect on pediatric surgery. He reiterated that the point of Amendment 1 is to make the bill applicable to Alaskans, adding that if trans kids can sue in the future, then all kids should be able to sue in the future.

[8:48:22 PM](#)

A roll call vote was taken. Representatives Gray and Groh voted in favor of Amendment 1. Representatives Sumner, Allard, Carpenter, C. Johnson, and Vance voted against it. Therefore, Amendment 1 failed by a vote of 2-5.

[8:48:52 PM](#)

The committee took a brief at-ease.

[8:49:23 PM](#)

REPRESENTATIVE GRAY moved to adopt Amendment 2 to HB 338, labeled 33-LS1392\A.6, Gunther, 4/16/24, which read:

Page 1, line 1:

Delete "**gender transition**"

Insert "**certain**"

Page 2, line 15:

Delete "**gender transition**"

Insert "**certain**"

Page 2, line 17, following "transition":

Insert "or cosmetic plastic surgery"

REPRESENTATIVE ALLARD objected.

[8:49:27 PM](#)

REPRESENTATIVE GRAY explained that Amendment 2 would extend liability to physicians to perform cosmetic surgery on minors.

[8:50:21 PM](#)

REPRESENTATIVE SUMNER said he would be inclined to support Amendment 2, except that it includes cosmetic surgeries for reconstructive purposes and many other inadvisable things.

[8:50:49 PM](#)

REPRESENTATIVE C. JOHNSON asked whether the doctor or the parents would be held liable.

REPRESENTATIVE ALLARD said the argument is that cosmetic surgery should have the same accountability as an untested, unproven medical procedure. She opined that children should not be victims of untested procedures and pointed out that cosmetic surgeries like rhinoplasty and breast reductions have all been proven. She maintained her opposition to Amendment 2.

REPRESENTATIVE GRAY clarified that the bill wouldn't ban these procedures. Instead, it would allow regretful patients to sue within 20 years. He explained that "top surgery," which is a mastectomy, for a female to male transgender person is not an untested procedure. Further, he argued that thousands of teen girls get breast implants and that those women should be able to sue for liability if they were regretful.

[8:54:43 PM](#)

A roll call vote was taken. Representatives Gray and Groh voted in favor of Amendment 2. Representatives C. Johnson, Sumner, Allard, Carpenter, and Vance voted against it. Therefore, Amendment 2 failed by a vote of 2-5.

[8:55:11 PM](#)

REPRESENTATIVE GROH moved to adopt Amendment 3 to HB 338, labeled 33-LS1392\A.3, Gunther, 4/16/24, which read:

Page 1, line 2, following "**minors**;"

Insert "**relating to casualty insurance policies for services rendered by physicians**;"

Page 2, following line 21:

Insert a new bill section to read:

"\* **Sec. 4.** AS 21.96 is amended by adding a new section to read:

**Sec. 21.96.130. Gender transition procedure liability.** A casualty insurance policy offered by an insurer for services rendered by a physician licensed under AS 08.64 may not exclude coverage for claims arising under AS 09.65.175. In this section, "casualty insurance" has the meaning given in AS 21.12.070."

Renumber the following bill section accordingly.

REPRESENTATIVE C. JOHNSON objected.

[8:55:15 PM](#)

REPRESENTATIVE GROH explained that Amendment 3 states that casualty insurance policy offered by an insurer for services rendered by a physician licensed may not exclude coverage for claims arising under the civil liability provision of the proposed legislation.

REPRESENTATIVE SUMNER said he opposed Amendment 3 because it could cause a substantial increase in physician malpractice insurance.

REPRESENTATIVE GROH said Representative Sumner's point makes the point. He explained that the proposed legislation would create a "giant tail" of liability with a 20-year statute of limitations. For that reason, he said it only seems fair to make that an insurable risk.

[8:57:57 PM](#)

A roll call vote was taken. Representatives Gray and Groh voted in favor of Amendment 3. Representatives C. Johnson, Sumner, Allard, Carpenter, and Vance voted against it. Therefore, Amendment 3 failed by a vote of 2-5.

[8:58:25 PM](#)

REPRESENTATIVE ALLARD moved to adopt Amendment 4 to HB 338, labeled 33-LS1392\A.2, Gunther, 4/5/24. [Amendment 4 is provided at the end of the minutes on HB 338.]

REPRESENTATIVE GROH objected.

[8:59:21 PM](#)

MR. BALLINGER explained that Amendment 4 does the following: requires the Alaska State Medical Board to develop a standardized consent form; adds a criminal element to performing these procedures on minors; creates a new section that develops the standardized informed consent for sex reassignment procedures; defines sex reassignment treatments or procedures and inserts this term in place of "gender transition"; removes

the ability for a minor to consent to sex reassignment treatments or procedures; outlines exceptions to liability; and makes it crime for physicians to perform the sex reassignment treatments or procedures on minors or individuals over 18 years of age without informed consent with a penalty of a class C felony.

[9:05:33 PM](#)

REPRESENTATIVE GROH pointed out that Amendment 4 is three times longer than the actual bill and suggested that the sponsor should prepare a committee substitute instead. He shared his belief that considering this amendment in its current form without the aid of Legislative Legal Services or a sponsor substitute is not the way to go.

REPRESENTATIVE SUMNER asked whether the transition regulation language and the adoption of a new class C felony would add a fiscal note to the bill.

MR. BALLINGER shared that the Department of Law (DOL) said there would be no new fiscal impact on the proposed legislation.

REPRESENTATIVE SUMNER pointed out that Amendment 4 directs the State Medical Board to adopt regulations establishing standards of care and asked whether the Department of Health (DOH) had been contacted.

REPRESENTATIVE ALLARD answered no and maintained that DOL had said the proposed amendment would not trigger a fiscal note.

[9:08:18 PM](#)

REPRESENTATIVE GRAY said it would be a surprise to him if standardized informed consent forms weren't already being used in Alaska clinics with regard to this kind of treatment.

MR. BALLINGER clarified that the bill would require one consistent with this code section.

REPRESENTATIVE GRAY asked whether it was the bill sponsor's belief that current consent practices are inadequate, and that additional government interference is necessary.

REPRESENTATIVE ALLARD shared her belief that yes, the government needs to step in to hold doctors accountable.

[9:10:35 PM](#)

REPRESENTATIVE GRAY asked whether Amendment 4 intended for the Alaska State Medical Board to craft the standardized informed consent form to be completed by the physician prior to starting treatment.

REPRESENTATIVE ALLARD answered yes, and shared her understanding that it would not create an additional cost.

REPRESENTATIVE GRAY expressed concern that the board may not have anyone serving on it who had performed this type of treatment.

REPRESENTATIVE ALLARD acknowledged that this is uncharted territory that needs to be addressed.

REPRESENTATIVE GRAY argued that this is not uncharted territory and that standardized informed consent forms had been used for decades.

REPRESENTATIVE GROH asked whether Amendment 4 would carry a risk of violating equal protection laws or the right to privacy in the Alaska Constitution.

[9:13:53 PM](#)

CONRAN GUNTHER, Legislative Legal Services, Legislative Affairs Agency, answered yes, as this is a rapidly developing area of law. He said there would be a risk of creating an equal protection violation and the Alaska Constitution's right to privacy clause.

REPRESENTATIVE CARPENTER asked if the bill were adopted and deemed unconstitutional, whether those portions would be struck down and the rest would remain.

MR. GUNTHER answered yes and cited the generalized severability clause in Alaska Statutes.

[9:15:59 PM](#)

REPRESENTATIVE GRAY moved to adopt Conceptual Amendment 1 to Amendment 4 to delete all content on page 5 line 16 and delete the words "over 18 years of age" on line 17.

REPRESENTATIVE ALLARD objected.

[9:16:36 PM](#)

REPRESENTATIVE GRAY shared his belief that it should be a crime to perform a sex transition procedure on anyone without their permission.

REPRESENTATIVE ALLARD asked whether it's already illegal to perform any surgery without written consent.

MR. GUNTHER said he was unsure about written consent, but informed consent is a standard requirement in medical procedures to give the patients understanding of what they're agreeing to.

CHAIR VANCE clarified that the intent of Conceptual Amendment 1 is already written in the bill on page 5, line 17.

REPRESENTATIVE GRAY shared his understanding that the bill would criminalize all sexual reassignment treatments or procedures on minors, and the intent of Conceptual Amendment 1 is to ensure that it can't be done on anyone without informed consent.

[9:21:27 PM](#)

A roll call vote was taken. Representatives Gray and Groh voted in favor of Conceptual Amendment 1 to Amendment 4. Representatives Allard, Carpenter, C. Johnson, Sumner, and Vance voted against it. Therefore, Conceptual Amendment 1 to Amendment 4 failed by a vote of 2-5.

[9:22:11 PM](#)

REPRESENTATIVE C. JOHNSON said he had a real problem with criminalizing this activity and taking away a doctor's livelihood; furthermore, he disagreed with DOL and shared his belief that Amendment 4 would require a fiscal note. If the bill passes, he suggested that the chair might consider holding the bill in her office and allow for a fiscal note to be drafted, specifically by the Department of Health and Social Services.

[9:25:15 PM](#)

The committee took an at-ease from 9:25 p.m. to 9:28 p.m.

[9:28:52 PM](#)

REPRESENTATIVE ALLARD withdrew Amendment 4.

[9:29:27 PM](#)

REPRESENTATIVE GRAY asked whether "gender transition procedure" referred to surgical procedures only, or whether medication is included as well.

REPRESENTATIVE ALLARD said medication is included. She deferred to Mr. Ballinger.

[9:29:53 PM](#)

MR. BALLINGER stated that without [Amendment 4], which incorporated definitions and some of the other procedures, he is unsure how Alaska would answer that.

REPRESENTATIVE GRAY opined that the word procedure implies something beyond giving someone pills or medication.

[9:31:42 PM](#)

The committee took an at-ease from 9:31 p.m. to 9:39 p.m.

[9:39:10 PM](#)

CHAIR VANCE sought final comment on HB 338.

[9:39:17 PM](#)

REPRESENTATIVE GROH expressed concern that the bill has constitutional infirmities and bad policy choices with the "20-year tail" on the civil liability. He added that he could not support HB 338.

REPRESENTATIVE GRAY reiterated that gender affirming care procedures are not performed in Alaska other than medication. So, if the bill does not apply to medication, he stated that HB 338 does not have a lot of applicability in the state. Further, he expressed concern about the 20-year statute of limitations for civil liability. He opined that the bill would make it more difficulty for well adjusted trans kids to get the healthcare that they need.

REPRESENTATIVE CARPENTER voiced his opinion that minors do not have the capacity to consent legally or developmentally and

therefore, the doctor who is in a trusted position, should be ultra cautious in his advice to the patient.

REPRESENTATIVE ALLARD said getting a tattoo at 16 is a bad idea, and cutting off body parts is something that children should be protected from. She shared her belief that the legislature needs to stop [these procedures] before they come to Alaska, adding that she stands by the protection of children.

[9:44:18 PM](#)

REPRESENTATIVE ALLARD moved to report HB 338 out of committee with individual recommendations and the accompanying fiscal notes.

REPRESENTATIVE GROH objected.

[9:44:47 PM](#)

A roll call vote was taken. Representatives Allard, Carpenter, C. Johnson, Sumner, and Vance voted in favor of reporting HB 338 from committee. Representatives Gray and Groh voted against it. Therefore, HB 338 was reported out of the House Judiciary Standing Committee by a vote of 5-2.

[9:45:55 PM](#)

#### **ADJOURNMENT**

There being no further business before the committee, the House Judiciary Standing Committee meeting was adjourned at 9:45 p.m.

#### AMENDMENTS

The following amendment to HB 338 was moved for adoption during the hearing. [Shorter amendments are provided in the main text only.]

Amendment 4 [33-LS1392\A.2, Gunther, 4/5/24]:

Page 1, lines 1 - 2:

Delete "**physician liability for gender transition procedures performed on minors;**"

Insert "**physician liability for sex-reassignment treatments or procedures performed on minors; establishing the crime of criminal sex-reassignment treatment or procedure; relating to standardized**

informed consent forms for sex-reassignment treatments or procedures; relating to the duties of the State Medical Board; relating to informed consent for sex-reassignment treatments or procedures performed on minors;"

Page 1, following line 3:

Insert new bill sections to read:

"\* **Section 1.** AS 08.64.101(a) is amended to read:

(a) The board shall

(1) except as provided in regulations adopted by the board under (b) of this section, examine and issue licenses to applicants;

(2) develop written guidelines to ensure that licensing requirements are not unreasonably burdensome and the issuance of licenses is not unreasonably withheld or delayed;

(3) after a hearing, impose disciplinary sanctions on persons who violate this chapter or the regulations or orders of the board;

(4) adopt regulations ensuring that renewal of licenses is contingent on proof of continued competency on the part of the licensee;

(5) under regulations adopted by the board, contract with private professional organizations to establish an impaired medical professionals program to identify, confront, evaluate, and treat persons licensed under this chapter who abuse alcohol, other drugs, or other substances or are mentally ill or cognitively impaired;

(6) adopt regulations that establish guidelines for a physician or physician assistant who is rendering a diagnosis, providing treatment, or prescribing, dispensing, or administering a prescription drug to a person without conducting a physical examination under AS 08.64.364; the guidelines must include a nationally recognized model policy for standards of care of a patient who is at a different location than the physician or physician assistant;

(7) require that a licensee who has a federal Drug Enforcement Administration registration number register with the controlled substance prescription database under AS 17.30.200(n);

**(8) create a standardized informed consent form that complies with AS 08.64.135 for a patient to**

complete before a physician performs a sex-reassignment treatment or procedure.

\* **Sec. 2.** AS 08.64 is amended by adding a new section to read:

**Sec. 08.64.135. Standardized informed consent form for sex-reassignment treatments or procedures.**

The board shall require a physician to provide a standardized informed consent form to a patient at every visit for a sex-reassignment treatment or procedure for a period of not less than one year. The form must state the following in a font not smaller than 14 points:

(1) the United States Food and Drug Administration has not approved the use of puberty blockers or the prescription or administration of hormones or hormone antagonists for the purpose of treating gender dysphoria or gender incongruence;

(2) governments of other countries, including the United Kingdom, Sweden, and Finland, have studied the use of puberty blockers and the prescription or administration of hormones or hormone antagonists and have concluded that there is no reliable evidence to support the notion that the potential benefits of these treatments outweigh the risks; these governments instead recommend psychotherapy as the first line of treatment for minors with gender dysphoria;

(3) the use of puberty blockers or the prescription or administration of hormones or hormone antagonists for the purpose of treating gender dysphoria or gender incongruence

(A) increases the risk that a minor will become sterile, preventing future conception of a child;

(B) carries the risk of physical harm, including decreased bone density, heart disease, stroke, and cancer;

(C) has unknown effects on the brain development of minors.

\* **Sec. 3.** AS 08.64.380 is amended by adding a new paragraph to read:

(8) "sex-reassignment treatment or procedure" has the meaning given in AS 11.41.240(d)"

Page 1, line 4:

Delete "**Section 1**"

Insert "**Sec. 4**"

Renumber the following bill sections accordingly.

Page 2, following line 13:

Insert a new bill section to read:

**"\* Sec. 6.** AS 09.55.556 is amended by adding a new subsection to read:

(c) An individual under 18 years of age may not consent to a sex-reassignment treatment or procedure. In this section, "sex-reassignment treatment or procedure" has the meaning given in AS 11.41.240(d)."

Renumber the following bill sections accordingly.

Page 2, line 15:

Delete "**gender transition**"

Insert "**sex-reassignment treatments or**"

Page 2, line 16:

Delete "A person"

Insert "(a) An individual"

Page 2, lines 16 - 17:

Delete "gender transition"

Insert "sex-reassignment treatment or"

Page 2, lines 20 - 21:

Delete "In this section, "physician" means a person licensed as a physician under AS 08.64."

Page 2, following line 21:

Insert new material to read:

"(b) If an individual who received a sex-reassignment treatment or procedure as a minor is incompetent by reason of mental illness or mental disability, the individual's parent or legal guardian may bring an action under this section on behalf of the individual.

(c) The cause of action created by this section does not apply to a medical treatment or procedure to treat an individual who was born with a medically verifiable sexual development genetic disorder, including

(1) ambiguous external biological sex characteristics;

(2) a sexual development disorder

(A) caused by abnormal sex chromosome structures, sex steroid production, or sex steroid hormone action for the individual's sex; and

(B) discovered through genetic or biochemical testing;

(3) an infection, injury, disease, or disorder caused or exacerbated by a previous sex-reassignment treatment or procedure; or

(4) a physical disorder, physical injury, or physical illness that would place the individual in imminent danger of death or impairment of a major bodily function without the sex-reassignment treatment or procedure.

(d) In this section,

(1) "minor" means an individual under 18 years of age who is not an emancipated minor;

(2) "physician" means a person licensed as a physician under AS 08.64;

(3) "sex" means the classification of an individual as male or female based on the individual's reproductive role, indicated by the individual's sex chromosomes, naturally occurring sex hormones, and internal and external genitalia present at birth;

(4) "sex-reassignment treatment or procedure" has the meaning given in AS 11.41.240(d).

\* **Sec. 8.** AS 11.41 is amended by adding a new section to read:

**Sec. 11.41.240. Criminal sex-reassignment treatment or procedure.** (a) A person commits the crime of criminal sex-reassignment treatment or procedure if the person knowingly performs a sex-reassignment treatment or procedure on

(1) a minor; or

(2) an individual over 18 years of age without the voluntary, informed, and written consent of the individual.

(b) For the purposes of this section, consent is considered voluntary, informed, and written if, before an individual's initial sex-reassignment treatment or procedure, the physician performing the sex-reassignment treatment or procedure, while physically present in the same room as the individual,

(1) informs the individual of the nature and risks of the sex-reassignment treatment or procedure;

(2) provides the individual with a standardized informed consent form created by the State Medical Board under AS 08.64.101(a)(8); and

(3) receives the individual's written acknowledgment that the individual received the information required by this subsection.

(c) In a prosecution under this section, it is an affirmative defense that the defendant is a physician who provided a medical treatment or procedure to treat

(1) a minor with ambiguous external biological sex characteristics;

(2) a minor with a sexual development disorder discovered through genetic or biochemical testing, caused by abnormal sex chromosome structures, sex steroid production, or sex steroid hormone action for the sex of the minor at birth;

(3) an infection, injury, disease, or disorder caused or exacerbated by a previous sex-reassignment treatment or procedure; or

(4) a physical disorder, physical injury, or physical illness that would place the individual in imminent danger of death or impairment of a major bodily function without the sex-reassignment treatment or procedure.

(d) In this section,

(1) "minor" means an individual under 18 years of age who is not an emancipated minor;

(2) "physician" means a person licensed as a physician under AS 08.64;

(3) "sex" means the classification of an individual as male or female based on the individual's reproductive role, indicated by the individual's sex chromosomes, naturally occurring sex hormones, and internal and external genitalia present at birth;

(4) "sex-reassignment treatment or procedure" means

(A) the prescription or administration of puberty blockers for the purpose of delaying or stopping puberty in an individual to affirm an individual's perception of the individual's sex if that perception is inconsistent with the individual's sex;

(B) the prescription or administration of hormones or hormone antagonists to affirm an individual's perception of the individual's sex if

that perception is inconsistent with the individual's sex;

(C) any surgical procedure used to affirm an individual's perception of the individual's sex if that perception is inconsistent with the individual's sex.

(e) Criminal sex-reassignment treatment or procedure is a class C felony.

**\* Sec. 9.** The uncodified law of the State of Alaska is amended by adding a new section to read:

APPLICABILITY. (a) AS 09.65.175, enacted by sec. 7 of this Act, applies to a sex-reassignment treatment or procedure that began or was completed on or after the effective date of this Act.

(b) AS 11.41.240, enacted by sec. 8 of this Act, applies to an offense committed on or after the effective date of this Act.

**\* Sec. 10.** The uncodified law of the State of Alaska is amended by adding a new section to read:

TRANSITION: REGULATIONS ON STANDARDS OF CARE. Notwithstanding AS 09.55.556(c), enacted by sec. 6 of this Act, AS 09.65.175, enacted by sec. 7 of this Act, and AS 11.41.240, enacted by sec. 8 of this Act, the State Medical Board shall adopt regulations establishing standards of care under which a physician may, for a period ending six months after the effective date of this Act, under regulations adopted by the State Medical Board, temporarily continue to prescribe or administer a puberty blocker, hormone, or hormone antagonist as part of a sex-reassignment treatment or procedure for a minor patient whom the physician began treating with the puberty blocker, hormone, or hormone antagonist before the effective date of this Act, for the sole purpose of reducing and discontinuing the minor's use of the puberty blocker, hormone, or hormone antagonist. In adopting regulations under this section, the board shall prioritize the provision of professional counseling services for the patient during and after the patient's use of the prescription treatment."

Renumber the following bill section accordingly.