

HOUSE BILL NO. 342

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FOURTH LEGISLATURE - SECOND SESSION

BY REPRESENTATIVES ALLARD, McCabe

Introduced: 2/23/26

Referred: Health and Social Services, Judiciary

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to physician liability for sex-reassignment treatments or procedures
2 performed on minors; relating to standardized informed consent forms for sex-
3 reassignment treatments or procedures; relating to the duties of the State Medical
4 Board; relating to informed consent for sex-reassignment treatments or procedures
5 performed on minors; establishing the crime of criminal sex-reassignment treatment or
6 procedure; and providing for an effective date."

7 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

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

9 (a) The board shall

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

12 (2) develop written guidelines to ensure that licensing requirements are
13 not unreasonably burdensome and the issuance of licenses is not unreasonably

1 withheld or delayed;

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

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

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

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

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

19 **(8) create a standardized informed consent form that complies**
20 **with AS 08.64.135 for a patient to complete before a physician performs a sex-**
21 **reassignment treatment or procedure.**

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

23 **Sec. 08.64.135. Standardized informed consent form for sex-reassignment**
24 **treatments or procedures.** The board shall require a physician to provide a
25 standardized informed consent form to a patient at every visit for a sex-reassignment
26 treatment or procedure for a period of not less than one year. The form must state the
27 following in a font not smaller than 14 points:

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

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

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

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

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

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

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

16 (8) "sex-reassignment treatment or procedure" means

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

21 (B) the prescription or administration of hormones or hormone
 22 antagonists to affirm an individual's perception of the individual's sex if that
 23 perception is inconsistent with the individual's sex;

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

27 * **Sec. 4.** AS 09.10.055(b) is amended to read:

28 (b) This section does not apply if

29 (1) the personal injury, death, or property damage resulted from

30 (A) prolonged exposure to hazardous waste;

31 (B) an intentional act or gross negligence;

1 (C) fraud or misrepresentation;

2 (D) breach of an express warranty or guarantee;

3 (E) a defective product; in this subparagraph, "product" means
4 an object that has intrinsic value, is capable of delivery as an assembled whole
5 or as a component part, and is introduced into trade or commerce; or

6 (F) breach of trust or fiduciary duty;

7 (2) the facts that would give notice of a potential cause of action are
8 intentionally concealed;

9 (3) a shorter period of time for bringing the action is imposed under
10 another provision of law;

11 (4) the provisions of this section are waived by contract; [OR]

12 (5) the facts that would constitute accrual of a cause of action of a
13 minor are not discoverable in the exercise of reasonable care by the minor's parent or
14 guardian; **or**

15 **(6) the action is brought under AS 09.65.175.**

16 * **Sec. 5.** AS 09.55.549(f) is amended to read:

17 (f) The limitation on noneconomic damages in this section does not apply if
18 the damages resulted from an act or omission that constitutes reckless or intentional
19 misconduct **or from an action brought under AS 09.65.175.**

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

21 (c) An individual under 18 years of age may not consent to a sex-reassignment
22 treatment or procedure. In this section, "sex-reassignment treatment or procedure"
23 means

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

28 (2) the prescription or administration of hormones or hormone
29 antagonists to affirm an individual's perception of the individual's sex if that
30 perception is inconsistent with the individual's sex;

31 (3) any surgical procedure used to affirm an individual's perception of

1 the individual's sex if that perception is inconsistent with the individual's sex.

2 * **Sec. 7.** AS 09.65 is amended by adding a new section to read:

3 **Sec. 09.65.175. Civil liability for sex-reassignment treatments or**
 4 **procedures performed on minors.** (a) An individual who, as a minor under 18 years
 5 of age, received a sex-reassignment treatment or procedure may maintain a claim for
 6 recovery of damages against the physician who performed the procedure for an injury
 7 or condition suffered as a result of the procedure. An action brought under this section
 8 must be commenced within 20 years after the accrual of the cause of action.

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

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

16 (1) ambiguous external biological sex characteristics;

17 (2) a sexual development disorder

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

20 (B) discovered through genetic or biochemical testing;

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

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

26 (d) In this section,

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

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

31 (3) "sex" means the classification of an individual as male or female

1 based on the individual's reproductive role, indicated by the individual's sex
 2 chromosomes, naturally occurring sex hormones, and internal and external genitalia
 3 present at birth;

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

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

9 (B) the prescription or administration of hormones or hormone
 10 antagonists to affirm an individual's perception of the individual's sex if that
 11 perception is inconsistent with the individual's sex;

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

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

16 **Sec. 11.41.245. Criminal sex-reassignment treatment or procedure.** (a) A
 17 person commits the crime of criminal sex-reassignment treatment or procedure if the
 18 person knowingly performs a sex-reassignment treatment or procedure on

19 (1) a minor; or

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

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

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

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

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

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

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

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

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

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

12 (d) In this section,

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

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

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

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

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

26 (B) the prescription or administration of hormones or hormone
27 antagonists to affirm an individual's perception of the individual's sex if that
28 perception is inconsistent with the individual's sex;

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

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

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

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

7 (b) AS 11.41.245, enacted by sec. 8 of this Act, applies to an offense committed on or
8 after the effective date of this Act.

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

11 TRANSITION: REGULATIONS ON STANDARDS OF CARE. Notwithstanding
12 AS 09.55.556(c), enacted by sec. 6 of this Act, AS 09.65.175, enacted by sec. 7 of this Act,
13 and AS 11.41.245, enacted by sec. 8 of this Act, the State Medical Board shall adopt
14 regulations establishing standards of care under which a physician may, for a period ending
15 six months after the effective date of this Act, under regulations adopted by the State Medical
16 Board, temporarily continue to prescribe or administer a puberty blocker, hormone, or
17 hormone antagonist as part of a sex-reassignment treatment or procedure for a minor patient
18 whom the physician began treating with the puberty blocker, hormone, or hormone antagonist
19 before the effective date of this Act, for the sole purpose of reducing and discontinuing the
20 minor's use of the puberty blocker, hormone, or hormone antagonist. In adopting regulations
21 under this section, the board shall prioritize the provision of professional counseling services
22 for the patient during and after the patient's use of the prescription treatment. In this section,
23 "sex-reassignment treatment or procedure" means

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

27 (2) the prescription or administration of hormones or hormone antagonists to
28 affirm an individual's perception of the individual's sex if that perception is inconsistent with
29 the individual's sex;

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

1 * **Sec. 11.** This Act takes effect immediately under AS 01.10.070(c).