

COMMONWEALTH ★ ★ ★ POLICY CENTER ★ ★ ★

CPC Policy Backgrounder HB 470: Do No Harm Act (2023)

HB 470 would make healthcare providers liable for gender transition services if it causes harm to minors in the future.

What Would This Bill Do?

- Revoke the medical licenses of any healthcare provider that helps or supports any child under 18 to pursue gender transition.
- Give parents of children under 18 the ability to file lawsuits against doctors and insurance companies that supported their child's gender transition.
- Once the child turns 18, they have 30 years to file a lawsuit against all involved in providing gender transition services.
- Require healthcare providers to report any gender transition services they provided to the Vital Statistics Branch. If they fail to do so within 30 days it is a class D felony.
- Block public funds from going to entities, organizations, or individuals that provide gender transition surgeries.
- Block federal insurance from covering gender transition services for minors.
- Allow private insurers to refuse to cover gender transition services.
- Make private insurers liable for all damages if they cover gender transition services.
- If the plaintiff wins a lawsuit, they can be awarded reasonable costs, attorney fees, and a refund of all premiums. They are also eligible for compensatory damages.

What This Bill Would Not Do:

- Ban all gender transition treatments.
 - This bill deals with gender transition services for minors under the age of 18. It does not affect gender transition services for adults.
- Harm children with gender dysphoria
 - Drugs given to children can cause infertility and increased risks for heart disease and diabetes.¹ This bill would prevent children from being prescribed these drugs, which would protect them, not harm them.
- Increase the suicide rate among transgender children.
 - The suicide rates for transgender children is higher in states that provide “gender-affirming care” than in states with laws banning gender transition services for children.²

Why is This Bill Necessary?

- Untested and potentially harmful gender transition “therapies” are provided to minors in Kentucky.
 - The University of Kentucky provides minors with puberty blocker referrals and hormone therapy.³
 - Norton’s Children’s Hospital in Louisville has a Pediatric and Adolescent Gender Education (PAGE) program.
 - “PAGE is a single source for children and families to receive gender-affirming support and care. PAGE specialists, including board-certified pediatric and adult endocrinologists, endocrine nurses, behavioral and mental health specialists, and social workers work with families to create a care plan that meets the child where they are.”⁴
- Most children grow out of their gender dysphoria as they reach adolescence.
 - About 80% of children with gender dysphoria change their minds and don’t identify as transgender into adulthood.⁵
- Children lack the mental capacity to make such a life-altering decision.
 - According to the American Academy of Child and Adolescent Psychiatry, “Pictures of the brain in action show that adolescents' brains work differently than adults when they make decisions or solve problems. Their actions are guided more by the emotional and reactive amygdala and less by the thoughtful, logical frontal cortex.”⁶
 - Because their brain isn’t fully developed, adolescents are more prone to acting on impulse and engaging in dangerous behavior.⁷
 - This bill would protect children from making such life-altering decisions that they will likely regret in the future.

¹ <https://www.pbs.org/wgbh/frontline/article/when-transgender-kids-transition-medical-risks-are-both-known-and-unknown/>

² <https://www.heritage.org/gender/report/puberty-blockers-cross-sex-hormones-and-youth-suicide>

³ <https://ukhealthcare.uky.edu/services/transform-health-services>

⁴ <https://nortonchildrens.com/services/endocrinology/services/page/>

⁵ <https://www.transgendertrend.com/children-change-minds/>

⁶ https://www.aacap.org/AACAP/Families_and_Youth/Facts_for_Families/FFF-Guide/The-Teen-Brain-Behavior-Problem-Solving-and-Decision-Making-095.aspx

⁷ Ibid.