

HOUSE BILL NO. 338

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-THIRD LEGISLATURE - SECOND SESSION

BY REPRESENTATIVE ALLARD

Introduced: 2/20/24

Referred: Judiciary

A BILL

FOR AN ACT ENTITLED

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

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

4 *** Section 1.** AS 09.10.055(b) is amended to read:

5 (b) This section does not apply if

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

7 (A) prolonged exposure to hazardous waste;

8 (B) an intentional act or gross negligence;

9 (C) fraud or misrepresentation;

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

11 (E) a defective product; in this subparagraph, "product" means
12 an object that has intrinsic value, is capable of delivery as an assembled whole

13 or as a component part, and is introduced into trade or commerce; or

14 (F) breach of trust or fiduciary duty;

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

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

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

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

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

10 * **Sec. 2.** AS 09.55.549(f) is amended to read:

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

14 * **Sec. 3.** AS 09.65 is amended by adding a new section to read:

15 **Sec. 09.65.175. Civil liability for gender transition procedures performed**
16 **on minors.** A person who, as a minor under 18 years of age, received a gender
17 transition procedure may maintain a claim for recovery of damages against the
18 physician who performed the procedure for an injury or condition suffered as a result
19 of the procedure. An action brought under this section must be commenced within 20
20 years after the accrual of the cause of action. In this section, "physician" means a
21 person licensed as a physician under AS 08.64.

22 * **Sec. 4.** This Act takes effect immediately under AS 01.10.070(c).