

HB 540 -- MISSOURI'S CHILDREN DESERVE HELP NOT HARM ACT

SPONSOR: Sparks

This bill establishes the "Missouri's Children Deserve Help Not Harm Act". Under the provisions of this bill, no physician or health care professional shall provide, nor shall any health care institution facilitate, gender transition procedures, as defined, to any individual under 18 years of age.

No person or entity, including state, federal, or foreign governments, shall knowingly engage in conduct that aids or abets the performance or inducement of gender transition procedures on any individual under 18 years of age. No public funds may be directly or indirectly used, granted, or distributed to any entity or organization that provides gender transition procedures to any individual under 18 years of age.

No amount paid for the provision of gender transition procedures or as premiums for health care coverage that includes coverage for gender transition procedures shall be tax deductible. The MO HealthNet Program shall not reimburse or provide coverage for gender transition procedures to any individual under 18 years of age.

The referral for or provision of gender transition procedures to an individual under 18 years of age shall constitute unprofessional conduct and be subject to discipline by the appropriate licensing entity or disciplinary review board.

An individual under 18 years of age may bring an action under the provisions of this bill throughout the duration of the individual's minority through a parent or next friend, and upon reaching the age of majority, at any time from that point for an additional 30 years. This additional duration shall not run while the individual, upon reaching the age of majority, is under legal disability or is otherwise subject to threats, intimidation, manipulation, fraudulent concealment, or fraud perpetrated by the prescribing physician or health care professional.

A claimant is entitled to award for damages for an action brought under the provisions of this bill as described in the bill, including: compensatory damages; injunctive relief; declaratory relief; punitive damages; and any other appropriate relief, as well as reasonable attorneys fees. Additionally, the Attorney General may bring action to enforce compliance with the provisions of this bill.

Further, the General Assembly, by joint resolution, may appoint its members who sponsored or cosponsored this bill, in their official

capacity, to defend the provisions of this Act as a matter of right in any case in which the constitutionality or enforceability of the Act is challenged.

No health carrier or health benefit plan shall be required to provide coverage for gender transition procedures. No federal health benefit plan under any insurance policy shall include reimbursement for gender transition procedures for an individual under 18 years of age in Missouri.

This bill has a delayed effective date of January 1, 2024.

This bill is similar to HB 419 (2023).