



(Original Signature of Member)

119TH CONGRESS  
1ST SESSION

**H. R.** \_\_\_\_\_

To establish a Federal tort against pediatric gender clinics and other entities pushing gender-transition procedures that cause bodily injury to children or harm the mental health of children.

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IN THE HOUSE OF REPRESENTATIVES

Mr. STEUBE introduced the following bill; which was referred to the  
Committee on \_\_\_\_\_

\_\_\_\_\_  
**A BILL**

To establish a Federal tort against pediatric gender clinics and other entities pushing gender-transition procedures that cause bodily injury to children or harm the mental health of children.

1       *Be it enacted by the Senate and House of Representa-*  
2       *tives of the United States of America in Congress assembled,*

3       **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Jamie Reed Protecting  
5       Our Kids from Child Abuse Act”.

1 **SEC. 2. FEDERAL TORT FOR HARM TO CHILDREN CAUSED**  
2 **BY GENDER-TRANSITION PROCEDURES.**

3 (a) DEFINITIONS.—In this section:

4 (1) GENDER TRANSITION PROCEDURE.—

5 (A) IN GENERAL.—Except as provided in  
6 subparagraph (B), the term “gender-transition  
7 procedure” means—

8 (i) the prescription or administration  
9 of gonadotropin-releasing hormone agonists  
10 or any other puberty-blocking drugs for  
11 the purpose of changing the body of an in-  
12 dividual so that it conforms to the subjec-  
13 tive sense of identity of the individual, in  
14 the case such identity is at odds with the  
15 individual’s biological sex of male or fe-  
16 male;

17 (ii) the prescription or administration  
18 of testosterone (when prescribed to a fe-  
19 male) or estrogen (when prescribed to a  
20 male) for the purpose of changing the body  
21 of an individual so that it conforms to the  
22 subjective sense of identity of the indi-  
23 vidual, in the case such identity is at odds  
24 with the individual’s biological sex of male  
25 or female; or

1 (iii) a surgery to change the body of  
2 an individual so that it conforms to the  
3 subjective sense of identity of the indi-  
4 vidual, in the case such identity is at odds  
5 with the individual's biological sex of male  
6 or female.

7 (B) EXCEPTION.—The term “gender-tran-  
8 sition procedure” does not include—

9 (i) an intervention described in sub-  
10 paragraph (A) that is performed on—

11 (I) an individual with biological  
12 sex characteristics that are inherently  
13 ambiguous, such as those born with  
14 46 XX chromosomes with virilization,  
15 46 XY chromosomes with  
16 undervirilization, or having both ovar-  
17 ian and testicular tissue; or

18 (II) an individual with respect to  
19 whom a physician has determined  
20 through genetic or biochemical testing  
21 that the individual does not have nor-  
22 mal sex chromosome structure, sex  
23 steroid hormone production, or sex  
24 steroid hormone action, for a biologi-  
25 cal male or biological female;

1 (ii) the treatment of any infection, in-  
2 jury, disease, or disorder that has been  
3 caused or exacerbated by the performance  
4 of an intervention described in subpara-  
5 graph (A) without regard to whether the  
6 intervention was performed in accordance  
7 with State or Federal law or whether the  
8 intervention is covered by the private right  
9 of action under subsection (c); or

10 (iii) any procedure undertaken be-  
11 cause the individual suffers from a physical  
12 disorder, physical injury, or physical illness  
13 that would, as certified by a physician,  
14 place the individual in imminent danger of  
15 death or impairment of major bodily func-  
16 tion unless the procedure is performed.

17 (2) HOSPITAL.—The term “hospital” has the  
18 meaning given such term in section 1861(e) of the  
19 Social Security Act (42 U.S.C. 1395x(e)).

20 (3) INSTITUTION OF HIGHER EDUCATION.—The  
21 term “institution of higher education” has the  
22 meaning given such term in section 101 of the High-  
23 er Education Act of 1965 (20 U.S.C. 1001).

24 (4) MEDICAL PRACTITIONER.—The term “med-  
25 ical practitioner” means a person who is licensed,

1 certified, or otherwise authorized by the laws of a  
2 State to administer health care in the ordinary  
3 course of the practice of the person's profession.

4 (5) MINOR.—The term “minor” means an indi-  
5 vidual who has not yet reached 18 years of age.

6 (6) PEDIATRIC GENDER CLINIC.—The term  
7 “pediatric gender clinic” means a medical facility  
8 that specializes in the diagnosis or treatment of gen-  
9 der discordance and gender dysphoria in minors, in-  
10 cluding medical interventions such as therapeutic di-  
11 agnosis of gender dysphoria and performance of (or  
12 referral for) gender-transition procedures on minors.

13 (b) LIABILITY.—The following individuals and enti-  
14 ties shall be liable in accordance with this section to any  
15 individual who suffers bodily injury or harm to mental  
16 health (including any physical, psychological, emotional, or  
17 physiological harm) that is attributable, in whole or in  
18 part, to a gender-transition procedure performed on the  
19 individual when the individual was a minor:

20 (1) A pediatric gender clinic where the gender-  
21 transition procedure was provided.

22 (2) Any medical practitioner who administered  
23 health care, at the time of the particular procedure,  
24 at the pediatric gender clinic where the gender-tran-  
25 sition procedure was provided.

1           (3) An institution of higher education that  
2       hosts, operates, partners with, provides funding to,  
3       or is otherwise affiliated with the pediatric gender  
4       clinic where the gender-transition procedure was  
5       provided.

6           (4) A hospital that hosts, operates, partners  
7       with, provides funding to, or is otherwise affiliated  
8       with the pediatric gender clinic where the gender-  
9       transition procedure was provided.

10          (5) Any medical practitioner who performed the  
11       gender-transition procedure on the individual.

12       (c) PRIVATE RIGHT OF ACTION.—An individual who  
13       suffers bodily injury or harm to mental health that is at-  
14       tributable, in whole or in part, to a gender-transition pro-  
15       cedure provided to the individual when the individual was  
16       a minor may, not later than 30 years after the date on  
17       which the individual turns 18 years of age, bring a civil  
18       action against an individual or entity described in sub-  
19       section (b), in an appropriate district court of the United  
20       States or a State court of competent jurisdiction for—

- 21           (1) compensatory damages;  
22           (2) punitive damages; and  
23           (3) attorney’s fees and costs.

24       (d) AFFIRMATIVE DEFENSE.—It shall be an affirma-  
25       tive defense to an action brought by or on behalf of an

1 individual upon whom a gender-transition procedure was  
2 performed under subsection (c) that the pediatric gender  
3 clinic or medical practitioner who performed the gender-  
4 transition procedure on the individual, at all relevant  
5 times, did not know and had no reason to know that the  
6 individual in question was a minor.

7 **SEC. 3. PROHIBITION ON FUNDING.**

8 No Federal funds may be made available—

9 (1) to a pediatric gender clinic;

10 (2) to an institution of higher education or hos-  
11 pital that hosts, operates, partners with, provides  
12 funding to, or is otherwise affiliated with, a pediatric  
13 gender clinic; or

14 (3) for any gender-transition procedure per-  
15 formed on a minor.

16 **SEC. 4. EFFECTIVE DATE AND RETROACTIVE APPLICATION.**

17 This Act shall—

18 (1) take effect on the date of enactment of this  
19 Act; and

20 (2) apply to any gender-transition procedure  
21 that took place before, on, or after the effective date  
22 under paragraph (1).

23 **SEC. 5. SEVERABILITY.**

24 If any provision of this Act, or the application of such  
25 provision to any person or circumstance, is held to be un-

1 constitutional, the remainder of this Act, and the applica-  
2 tion of the remaining provisions of this Act, to any person  
3 or circumstance, shall not be affected.