

HOUSE BILL No. 1589

DIGEST OF INTRODUCED BILL

Citations Affected: IC 34-18.

Synopsis: Malpractice regarding gender therapeutics. Allows a claimant to bring a medical malpractice claim regarding gender transition treatment within 15 years after the individual becomes 21 years of age.

Effective: July 1, 2023.

McGuire

January 19, 2023, read first time and referred to Committee on Public Health.



First Regular Session of the 123rd General Assembly (2023)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2022 Regular Session of the General Assembly.

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A BILL FOR AN ACT to amend the Indiana Code concerning civil procedure.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 34-18-2-12.7 IS ADDED TO THE INDIANA
2 CODE AS A **NEW** SECTION TO READ AS FOLLOWS
3 [EFFECTIVE JULY 1, 2023]: **Sec. 12.7. "Gender transition" means**
4 **the process of changing an individual's bodily appearance or sex**
5 **characteristics to a different gender from the gender of the**
6 **individual at birth by:**

- 7 (1) **surgery; or**
- 8 (2) **prescribing, administering, or dispensing a hormone or**
- 9 **drug.**

10 SECTION 2. IC 34-18-7-1 IS AMENDED TO READ AS
11 FOLLOWS [EFFECTIVE JULY 1, 2023]: Sec. 1. (a) This section
12 applies to all persons regardless of minority or other legal disability,
13 except as provided in subsection (c).

14 (b) **Except as provided in subsection (d)**, a claim, whether in
15 contract or tort, may not be brought against a health care provider
16 based upon professional services or health care that was provided or
17 that should have been provided unless the claim is filed within two (2)



1 years after the date of the alleged act, omission, or neglect, except that
2 a minor less than six (6) years of age has until the minor's eighth
3 birthday to file.

4 (c) **Except as provided in subsection (d)**, if a patient meets the
5 criteria stated in IC 34-18-8-6(c), the applicable limitations period is
6 equal to the period that would otherwise apply to the patient under
7 subsection (b) (or IC 27-12-7-1(b) before its repeal) plus one hundred
8 eighty (180) days.

9 (d) **A claim, whether in contract or tort, may not be brought**
10 **against a health care provider based upon professional services or**
11 **health care that was provided or that should have been provided**
12 **regarding gender transition (as defined by IC 34-18-2-12.7) unless**
13 **the claim is filed within fifteen (15) years after the claimant**
14 **becomes twenty-one (21) years of age.**

