

GENERAL ASSEMBLY OF NORTH CAROLINA
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HOUSE PRINCIPAL CLERK

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HOUSE BILL DRH40506-NB-123

Short Title: Detransitioners Bill of Rights. (Public)

Sponsors: Representative Johnson.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO ESTABLISH THE DETRANSITIONER BILL OF RIGHTS.

3 The General Assembly of North Carolina enacts:

4 **SECTION 1.** Article 1N of Chapter 90 of the General Statutes reads as rewritten:

5 "Article 1N.

6 "Gender Transition Procedures on ~~Minors~~ Minors and Detransitioner Bill of Rights.

7 **"§ 90-21.150. Definitions.**

8 The following definitions apply in this Article:

9 ...

10 (2a) Department. – The Department of Health and Human Services.

11 (2b) Detransitioner. – An individual who (i) began or completed a gender transition
12 procedure but later sought treatment to reverse the effects of the surgical
13 gender transition procedure or regimen of cross-sex hormones or
14 puberty-blocking drugs due to the resolution of any inconsistency between the
15 individual's sex and individual's perceived sex or perceived gender or (ii) has
16 ceased the surgical gender transition procedure or regimen of cross-sex
17 hormones or puberty-blocking drugs due to the resolution of any
18 inconsistency between the individual's sex and the individual's perceived sex
19 or perceived gender.

20 (2c) Detransition procedure. – Any treatment, including mental health treatment,
21 medical interventions, and surgeries that (i) stop or reverse the effects of a
22 prior surgical gender transition procedure or regimen of cross-sex hormones
23 or puberty-blocking drugs due to the resolution of any inconsistency between
24 the individual's sex and the individual's perceived sex or perceived gender or
25 (ii) help an individual cope with the effects of a prior surgical gender transition
26 procedure or regimen of cross-sex hormones or puberty-blocking drugs after
27 the resolution of any inconsistency between the individual's sex and the
28 individual's perceived sex or perceived gender.

29 (2d) Female. – An individual who has, had, will have, or would have but for a
30 developmental or genetic anomaly or historical accident, the reproductive
31 system that at some point produces, transports, and utilizes eggs for
32 fertilization.

33 (3) Gender. – The psychological, behavioral, social, and cultural aspects of being
34 male or female.

35 (3a) Gender clinic. – A health care entity that provides or prescribes gender
36 transition procedures or refers individuals for surgical gender transition



1 procedures or the dispensing of puberty-blocking drugs or cross-sex
2 hormones.

3 ...

4 (6a) Male. – An individual who has, had, will have, or would have but for a
5 developmental or genetic anomaly or historical accident, the reproductive
6 system that at some point produces, transports, and utilizes sperm for
7 fertilization.

8 ...

9 **"§ 90-21.151. Limitations on detransition procedures and gender transition procedures.**

10 It shall be unlawful for a medical professional to perform a detransition procedure, surgical
11 gender transition procedure on a minor or to prescribe, provide, or dispense puberty-blocking
12 drugs or cross-sex hormones to a minor.

13 **"§ 90-21.152. When certain procedures are permitted.**

14 (a) Notwithstanding G.S. 90-21.151, and provided the minor's parents or guardians give
15 informed consent, a medical professional shall not be prohibited from providing any of the
16 following procedures to a minor:

17 ...

18 (7) A detransition procedure.

19 ...

20 **"§ 90-21.153. Penalties.**

21 (a) A violation of any of the provisions of this Article by a medical professional shall be
22 considered unprofessional conduct and shall result in the revocation of the medical professional's
23 license to ~~practice~~ practice for a minimum of one year.

24 (b) An entity that employs or contracts with a medical professional who violates any of
25 the provisions of this Article shall be liable for a civil penalty not to exceed two hundred fifty
26 thousand dollars (\$250,000).

27 **"§ 90-21.154. Civil remedies.**

28 (a) Any (i) medical professional who performs a surgical gender transition procedure on
29 a minor or who prescribes, provides, or dispenses puberty-blocking drugs or cross-sex hormones
30 to a minor and (ii) entity that employs or contracts with a medical professional who performs a
31 surgical gender transition procedure on a minor or who prescribes, provides, or dispenses
32 puberty-blocking drugs or cross-sex hormones to a minor shall be strictly liable to the minor for
33 any physical, psychological, emotional, or physiological harms the minor suffers as a result of
34 the surgical gender transition procedure, puberty-blocking drugs, or cross-sex hormones.

35 (a1) Any individual who undergoes a detransition procedure may bring a civil action either
36 within 10 years from the day the person reaches 18 years of age or within four years from the
37 time the cost of a detransition procedure is incurred, whichever date is later, against a medical
38 professional in a court of competent jurisdiction.

39 (b) A minor who suffers an injury described in ~~subsection (a)~~ subsections (a) and (a1) of
40 this section, or a parent or guardian of a minor who suffers an injury described in ~~subsection (a)~~
41 subsections (a) and (a1) of this section, may bring a civil action within the latter of ~~25~~ 10 years
42 from the day the minor reaches 18 years of age or four years from the time of discovery by the
43 injured party of both the injury and the causal relationship between the treatment and the injury
44 against the offending medical professional or entity. If the minor who suffered any injury
45 described in ~~subsection (a)~~ subsections (a) and (a1) of this section is under a legal disability upon
46 attaining 18 years of age, the time limitation in this subsection does not begin to run until that
47 legal disability is removed. An individual commencing an action under this section may seek the
48 following relief:

49 (1) Declaratory or injunctive relief.

1 (2) Compensatory damages, including pain and suffering, loss of reputation, loss
2 of income, and loss of consortium, which includes the loss of expectation of
3 sharing parenthood.

4 (3) Punitive damages.

5 (4) Attorneys' fees and court costs.

6 (5) Any other appropriate relief.

7 (6) Costs associated with a subsequent detransition procedure.

8 (c) Minors bringing an action under this section may do so through a parent or guardian
9 prior to attaining majority and may do so in their own name after attaining majority.
10 Notwithstanding G.S. 143-299, any action brought under this section may be commenced within
11 the time frames described in subsection (b) of this section.

12 (d) G.S. 90-21.19(a) shall not apply to damages awarded in an action brought under this
13 section.

14 (e) Medical professionals and entities employing or contracting with medical
15 professionals may not seek a contractual waiver of the liability imposed under this section. Any
16 attempted waiver is null and void.

17 **"§ 90-21.155. Right to public transparency.**

18 (a) Any gender clinic operating in the State must provide a report of statistics regarding
19 all surgical gender transition procedures and prescribed regimens of cross-sex hormones or
20 puberty-blocking drugs to patients to the Department.

21 (b) The Department shall develop a form for this purpose and determine the statistics to
22 be reported, which must include the following:

23 (1) The date on which the surgical gender transition procedure or prescribed
24 regimen of cross-sex hormones or puberty-blocking drugs was prescribed or
25 the referral was made for either.

26 (2) The age and sex of the person to whom the surgical gender transition
27 procedure or prescribed regimen of cross-sex hormones or puberty-blocking
28 drugs was prescribed or for whom the referral was made for either.

29 (3) For any cross-sex hormone or puberty-blocking drug prescribed as part of a
30 gender transition, (i) the name of the drug or hormone, (ii) the dosage, (iii) the
31 dosage frequency and duration, and (iv) the method by which the drug will be
32 administered.

33 (4) For any surgical gender transition procedure, the type of surgical procedure,
34 identified by current procedural terminology code.

35 (5) The state and county of residence of the person receiving the surgical gender
36 transition procedure or regimen of cross-sex hormones or puberty-blocking
37 drugs.

38 (6) The name, contact information, and medical specialty of the medical
39 professional who prescribed the (i) surgical gender transition procedure or (ii)
40 regimen of cross-sex hormones or puberty-blocking drugs or made the referral
41 for either.

42 (7) If applicable, a description of any other neurological, behavioral, or mental
43 health conditions that the person has been diagnosed with or exhibits
44 symptoms of, including autism spectrum disorder, depressions, anxiety, or
45 bipolar disorder.

46 (c) A form shall be completed by each gender clinic that prescribes or performs a surgical
47 gender transition procedure or regimen of cross-sex hormones or puberty-blocking drugs that is
48 signed by the medical professional who prescribes the surgical gender transition procedure or
49 regimen of cross-sex hormones or puberty-blocking drugs or makes a referral for either.

50 (d) Each form shall be transmitted by the gender clinic to the Department within 15 days
51 after the end of the calendar month during which the surgical gender transition procedure or

1 regimen of cross-sex hormones or puberty-blocking drugs was prescribed or the referral was
2 made for either.

3 **"§ 90-21.156. Local limitations.**

4 (a) No city or county may prohibit the provision of mental health services or therapy to
5 help a minor address an inconsistency between the minor's biological sex and the minor's
6 perceived gender or perceived biological sex.

7 (b) No city or county may prohibit a parent or legal guardian from consenting to, or
8 withholding consent from, the provision of mental health services or therapy to help a minor
9 address an inconsistency between the minor's biological sex and the minor's perceived gender or
10 perceived biological sex.

11 **"§ 90-21.157. Enforcement.**

12 The Attorney General may investigate any complaints received alleging violation of this
13 Article. If the Attorney General finds that there has been a violation of this Article, the Attorney
14 General may bring an action to impose civil penalties and to seek any other appropriate relief
15 under this Article. Any clear proceeds of civil penalties imposed in actions instituted by the
16 Attorney General shall be remitted to the Civil Penalty and Forfeiture Fund in accordance with
17 G.S. 115C-457.2.

18 **"§ 90-21.158. Reporting.**

19 On November 1 of each year, the Department shall submit an annual report to the Joint
20 Legislative Oversight Committee on Health and Human Services that compiles the data required
21 to be collected under this Article into a comprehensive statistical report. Any information in this
22 report shall not disclose the identity of any person or entity that is the subject of any report. The
23 Department shall also publish the report on a publicly available website."

24 **SECTION 2.(a)** Article 3 of Chapter 58 of the General Statutes is amended by adding
25 a new section to read:

26 **"§ 58-3-257. Detransition procedure coverage.**

27 (a) The following definitions apply in this section:

28 (1) Detransition procedure. – As defined in G.S. 90-21.150.

29 (2) Female. – An individual who has, had, will have, or would have but for a
30 developmental or genetic anomaly or historical accident, the reproductive
31 system that at some point produces, transports, and utilizes eggs for
32 fertilization.

33 (3) Gender. – The psychological, behavioral, social, and cultural aspects of being
34 male or female.

35 (4) Gender transition procedure. – Any pharmaceutical or surgical intervention to
36 alter an individual's body as a treatment to address an inconsistency between
37 the individual's sex and the individual's perceived gender or perceived sex.

38 (5) Male. – An individual who has, had, will have, or would have but for a
39 developmental or genetic anomaly or historical accident, the reproductive
40 system that at some point produces, transports, and utilizes sperm for
41 fertilization.

42 (6) Minor. – An individual who is younger than 18 years of age.

43 (7) Perceived sex. – An individual's internal sense of his or her sex.

44 (8) Perceived gender. – An individual's internal sense of his or her gender.

45 (9) Sex. – The biological indication of male and female in the context of
46 reproductive potential or capacity, including sex chromosomes, naturally
47 occurring sex hormones, gonads, and nonambiguous internal and external
48 genitalia present at birth, including secondary sex characteristics, without
49 regard to an individual's psychological, chosen, or subjective experience of
50 gender.

1 (b) All health benefit plans that provide coverage for one or more gender transition
 2 procedures for insureds who are minors, including coverage for any applicable related diagnostic,
 3 billing, or CPT code, shall also provide coverage for all of the following:

4 (1) All possible adverse consequences related to the gender transition procedure,
 5 including both short-term and long-term side effects of the procedure.

6 (2) Testing and screening necessary to monitor the mental health and physical
 7 health of any insured on no less than an annual basis and without regard to the
 8 sex designation on the insured's medical record.

9 (3) Any procedure or treatment, including therapy, necessary to manage, reverse,
 10 or recover from the insured's previous gender transition procedure.

11 (c) Coverage required under this section shall be provided to all insureds that underwent
 12 a gender transition procedure as a minor regardless of whether that gender transition procedure
 13 occurred when the individual was not insured under the current health benefit plan.

14 (d) On at least an annual basis, an insurer offering one or more health benefit plans that
 15 provide coverage for gender transition or detransition procedures shall provide the following
 16 information, if known, to the Commissioner and the Secretary of the Department of Health and
 17 Human Services in a manner determined by the Commissioner or the Secretary and that contains
 18 no protected health information nor personally identifiable information:

19 (1) The number of claims made for a gender transition or detransition procedure.

20 (2) The age and sex of the individuals for whom a gender transition or detransition
 21 procedure claim is submitted.

22 (3) The date that the individual for whom a detransition procedure claim is
 23 submitted initially began a prior gender transition procedure.

24 (4) The county of residence of the person for whom the gender transition or
 25 detransition procedure claim is submitted.

26 (e) Nothing in this section shall be construed to require an insurer to provide any coverage
 27 for gender transition procedures."

28 **SECTION 2.(b)** This section becomes effective October 1, 2025, and applies to
 29 insurance contracts issued, renewed, or amended on or after that date.

30 **SECTION 3.(a)** G.S. 130A-118 reads as rewritten:

31 **"§ 130A-118. Amendment of birth and death certificates.**

32 ...

33 (b) A new certificate of birth shall be made by the State Registrar ~~when~~ if any of the
 34 following conditions are met:

35 (1) Proof is submitted to the State Registrar that the previously unwed parents of
 36 a person have intermarried subsequent to the birth of the ~~person;~~ person.

37 (2) Notification is received by the State Registrar from the clerk of a court of
 38 competent jurisdiction of a judgment, order or decree disclosing different or
 39 additional information relating to the parentage of a ~~person;~~ person.

40 (3) Satisfactory proof is submitted to the State Registrar that there has been
 41 entered in a court of competent jurisdiction a judgment, order or decree
 42 disclosing different or additional information relating to the parentage of a
 43 ~~person;~~ or person.

44 ...

45 (5) A written request from an individual is received by the State Registrar to
 46 change the sex on that individual's birth record because the person is a
 47 detransitioner, if the request is accompanied by a notarized statement from a
 48 physician licensed to practice medicine who can certify that the person has
 49 undergone a detransition procedure, as defined in Article 1N of Chapter 90 of
 50 the General Statutes."

51 **SECTION 3.(b)** This section becomes effective October 1, 2025.

1 **SECTION 4.(a)** Part 1 of Article 1A of Chapter 90 of the General Statutes is
2 amended by adding a new section to read:

3 **"§ 90-21.5A. Limited access to records.**

4 (a) Notwithstanding any other provision of law to the contrary, no medical professional
5 shall deny a parent or legal guardian access to the medical records or medical information of the
6 parent's or legal guardian's minor, except in the following circumstances:

7 (1) The medical records or medical information relate to harm resulting from
8 abuse, neglect, or domestic violence.

9 (2) The person denying access reasonably believes (i) the parent or legal guardian
10 is responsible for the abuse, neglect, or other injury resulting from domestic
11 violence or (ii) that informing the parent or legal guardian would not be in the
12 best interest of the minor.

13 (b) For the purposes of this section, the term "abuse, neglect, or domestic violence" does
14 not include any of the following:

15 (1) A parent's or legal guardian's refusal to permit the parent's or legal guardian's
16 minor to seek a surgical gender transition procedure or regimen of cross-sex
17 hormones or puberty-blocking drugs, as those terms are defined in Article 1N
18 of this Chapter, in violation of that Article.

19 (2) A parent's or legal guardian's refusal to address the parent's or legal guardian's
20 minor using pronouns that are inconsistent with the minor's sex.

21 (c) A parent or legal guardian who is denied access to medical records or medical
22 information in violation of this section shall have a private cause of action for damages and
23 equitable relief as the court may determine is justified. The court may also award reasonable
24 attorneys' fees and court costs to a prevailing party.

25 (d) The Attorney General may investigate a potential violation of this section, seek
26 production of documentation or testimony through a civil investigative demand, and bring an
27 action to enforce compliance with this section."

28 **SECTION 4.(b)** This section is effective when it becomes law.

29 **SECTION 5.** If any provision of this act or its application is held invalid, the
30 invalidity does not affect other provisions or applications of this act that can be given effect
31 without the invalid provisions or application and, to this end, the provisions of this act are
32 severable.

33 **SECTION 6.** Except as otherwise provided, this act becomes effective October 1,
34 2025.