

HOUSE BILL NO. 682

INTRODUCED BY G. KMETZ, V. RICCI, L. SCHUBERT, S. KLAKKEN, T. SHARP, R. GREGG, T. MANZELLA,
D. EMRICH, S. GIST, C. HINKLE, B. LER, J. SCHILLINGER, B. MITCHELL, K. SEEKINS-CROWE, S.

MANESS, J. HINKLE

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LAWS RELATED TO GENDER
TRANSITION TREATMENT; PROVIDING A STATUTE OF LIMITATIONS FOR TORT ACTIONS INVOLVING
GENDER TRANSITION TREATMENT ON MINORS; PROVIDING FOR RECIPROCAL COVERAGE OF
DETRANSITION TREATMENT IN PRIVATE INSURANCE AND PUBLIC EMPLOYEE AND MONTANA
UNIVERSITY SYSTEM INSURANCE PLANS; PROVIDING THAT DETRANSITION TREATMENT BE
INCLUDED AS A SERVICE UNDER MEDICAID AND HEALTHY MONTANA KIDS IN CERTAIN SITUATIONS;
AMENDING SECTIONS 2-18-704, 27-2-204, 27-2-205, 33-31-111, 33-35-306, 53-4-1005, AND 53-6-101,
MCA; AND PROVIDING A DELAYED EFFECTIVE DATE, ~~A RETROACTIVE APPLICABILITY DATE, AND AN~~
~~APPLICABILITY DATE.~~"

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Tort actions -- gender transition treatment for minors. (1) An action
brought by a person for damages for injuries suffered from gender transition treatment the person received as a
minor must be commenced within ~~25~~ 4 years from the date the person reaches 18 years of age or within 4
years from the time of discovery by the person of both the injury and the causal relationship between the
gender transition treatment and the injury, whichever occurs later.

(2) For the purposes of this section, "gender transition treatment" means the following medical
treatments provided:

(a) to a female minor to address the minor's perception that her gender or sex is not female:
(i) surgical procedures, including a vaginectomy, hysterectomy, oophorectomy, ovariectomy,
reconstruction of the urethra, metoidioplasty, phalloplasty, scrotoplasty, implantation of erection or testicular
protheses, subcutaneous mastectomy, voice surgery, and pectoral implants;

(ii) supraphysiologic doses of testosterone or other androgens; or

(iii) puberty blockers, such as GnRH agonists or other synthetic drugs that suppress the production of estrogen and progesterone to delay or suppress pubertal development in female minors; and

(b) to a male minor to address the minor's perception that his gender or sex is not male:

(i) surgical procedures, including a penectomy, orchiectomy, vaginoplasty, clitoroplasty, vulvoplasty, augmentation mammoplasty, facial feminization surgery, voice surgery, thyroid cartilage reduction, and gluteal augmentation;

(ii) supraphysiologic doses of estrogen; or

(iii) puberty blockers, such as GnRH agonists or other synthetic drugs that suppress the production of testosterone to delay or suppress pubertal development in male minors.

NEW SECTION. Section 2. Reciprocity in gender transition treatment coverage required. (1) A

group or individual insurance policy that includes coverage for gender transition treatment or subsequent treatment directly related to the provision of gender transition treatment must also include coverage for detransition treatment under equivalent cost-sharing policies.

(2) If the group or individual insurance policy ceases coverage for gender transition treatment, the policy is not required to provide equivalent coverage for detransition treatment, except that the policy must provide equivalent coverage to insureds who were enrolled when gender transition treatment coverage was provided and received benefits under that coverage.

(3) For the purposes of this section "gender transition treatment" means the following medical treatments provided:

(a) to a female to address her perception that her gender or sex is not female:

(i) surgical procedures, including a vaginectomy, hysterectomy, oophorectomy, ovariectomy, reconstruction of the urethra, metoidioplasty, phalloplasty, scrotoplasty, implantation of erection or testicular protheses, subcutaneous mastectomy, voice surgery, and pectoral implants;

(ii) supraphysiologic doses of testosterone or other androgens; or

(iii) puberty blockers, such as GnRH agonists or other synthetic drugs that suppress the production of estrogen and progesterone to delay or suppress pubertal development in female minors; and

(ii) supraphysiologic doses of estrogen; or

(iii) puberty blockers, such as GnRH agonists or other synthetic drugs that suppress the production of testosterone to delay or suppress pubertal development in male minors. (Subsection (3)(o) terminates September 30, 2025--sec. 1, Ch. 298, L. 2023; bracketed language in subsection (4)(b) terminates June 30, 2031--sec. 10, Ch. 628, L. 2023.)"

~~NEW SECTION. SECTION 10. TWO-YEAR LOOK BACK. A CAUSE OF ACTION ALLEGING INJURIES TO HAVE BEEN CAUSED BY PROCEDURES DESCRIBED IN [SECTION 1] THAT WOULD OTHERWISE BE BARRED BY THE APPLICABLE STATUTE OF LIMITATIONS MAY BE COMMENCED WITHIN 2 YEARS OF [THE EFFECTIVE DATE OF THIS ACT].~~

NEW SECTION. Section 10. Codification instruction. (1) [Section 1] is intended to be codified as an integral part of Title 27, chapter 2, part 2, and the provisions of Title 27, chapter 2, part 2, apply to [section 1].

(2) [Section 2] is intended to be codified as an integral part of Title 33, chapter 22, part 1, and the provisions of Title 33, chapter 22, part 1, apply to [section 2].

NEW SECTION. Section 11. Effective date. [This act] is effective October 1, 2026.

~~NEW SECTION. SECTION 13. RETROACTIVE APPLICABILITY. (1) EXCEPT AS PROVIDED IN SUBSECTION (2), [SECTION 1] APPLIES RETROACTIVELY, WITHIN THE MEANING OF 1-2-109, TO PREVIOUSLY FILED ACTIONS THAT HAVE BEEN DISMISSED ON THE BASIS OF AN EXPIRED STATUTE OF LIMITATIONS.~~

~~(2) [SECTION 1] DOES NOT APPLY TO:~~

~~(A) A CLAIM THAT HAS BEEN LITIGATED TO FINALITY ON THE MERITS IN A COURT OF COMPETENT JURISDICTION PRIOR TO [THE EFFECTIVE DATE OF THIS ACT]; OR~~

~~(B) A SETTLEMENT AGREEMENT REACHED PRIOR TO [THE EFFECTIVE DATE OF THIS ACT] THAT INVOLVES CLAIMS ALLEGING INJURIES CAUSED BY THE PROCEDURES DESCRIBED IN [SECTION 1].~~

NEW SECTION. SECTION 14. APPLICABILITY. [SECTION 1] APPLIES TO A CAUSE OF ACTION PENDING OR

Amendment - 2nd Reading-yellow - Requested by: Mark Thane - (H) Committee of the Whole

- 2025

69th Legislature 2025

Drafter: Rachel Weiss,

HB0682.002.002

1 COMMENCED ON OR AFTER [THE EFFECTIVE DATE OF THIS ACT], REGARDLESS OF WHEN THE CAUSE OF ACTION AROSE;

2 - END -

AMENDED