

HOUSE BILL NO. 682

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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~~ 30 years of age or within 4  
2 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