

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

19        **NEW SECTION. Section 1. Tort actions -- gender transition treatment for minors.** (1) An action  
20      brought by a person for damages for injuries suffered from gender transition treatment the person received as a  
21      minor must be commenced ~~within 25~~ 4 ~~2~~ years from by the date the person reaches ~~18~~ 30 ~~25~~ years of age or  
22      within 42 years from the time of discovery by the person of both the injury and the causal relationship between  
23      the gender transition treatment and the injury, whichever occurs later, except that an action may not be  
24      commenced after the person reaches 35 years of age.

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

27 (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 prostheses, 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

1       protheses, subcutaneous mastectomy, voice surgery, and pectoral implants;

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

3           (iii)   puberty blockers, such as GnRH agonists or other synthetic drugs that suppress the production

4       of estrogen and progesterone to delay or suppress pubertal development in female minors; and

5           (b)    to a male to address his perception that his gender or sex is not male:

6           (i)    surgical procedures, including a penectomy, orchiectomy, vaginoplasty, clitoroplasty,

7       vulvoplasty, augmentation mammoplasty, facial feminization surgery, voice surgery, thyroid cartilage reduction,

8       and gluteal augmentation;

9           (ii)   supraphysiologic doses of estrogen; or

10           (iii)   puberty blockers, such as GnRH agonists or other synthetic drugs that suppress the production

11       of testosterone to delay or suppress pubertal development in male minors.

12

13       **NEW SECTION. Section 3. Private cause of action for injuries caused by treatment of gender**

14       **dysphoria -- definitions.** (1) A health care professional or physician who provides ~~the~~ medical treatments

15       listed in subsection (3) to a minor may be subject to a civil action if the medical treatment results in any injury,

16       including physical, psychological, emotional, or physiological harms, that is proximately caused by a deviation

17       from the applicable medical standard of care of the health care professional or physician as established by

18       qualified expert testimony.

19           (2)    Subject to [section 1], a person who suffers an injury described in subsection (1) or the

20       person's legal guardian or estate may bring a civil action against the offending health care professional or

21       physician in a court of competent jurisdiction for:

22           (a)    declaratory or injunctive relief;

23           (b)    compensatory damages; and

24           (c)    any other appropriate relief.

25           (3)    (a) Except as provided in subsection (4), a health care professional or physician may be found

26       liable under subsection (1) for an injury proximately caused by a deviation from the applicable medical standard

27       of care of the health care professional or physician, as established by qualified expert testimony, in providing

1 the following treatments to a minor female patient to address the patient's perception that the patient's gender  
2 or sex is not female:

3 (i) surgical procedures, including a vaginectomy, hysterectomy, oophorectomy, ovariectomy,  
4 reconstruction of the urethra, metoidioplasty, phalloplasty, scrotoplasty, implantation of erection or testicular  
5 prostheses, subcutaneous mastectomy, voice surgery, or pectoral implants;  
6 (ii) supraphysiologic doses of testosterone or other androgens; or  
7 (iii) puberty blockers such as GnRH agonists or other synthetic drugs that suppress the production  
8 of estrogen and progesterone to delay or suppress pubertal development in female minors.

9 (b) Except as provided in subsection (4), a health care professional or physician may be found  
10 liable under subsection (1) for an injury proximately caused by a deviation from the applicable medical standard  
11 of care of the health care professional or physician, as established by qualified expert testimony, in providing  
12 the following treatments to a minor male patient to address the patient's perception that the patient's gender or  
13 sex is not male:

14 (i) surgical procedures, including a penectomy, orchiectomy, vaginoplasty, clitoroplasty,  
15 vulvoplasty, augmentation mammoplasty, facial feminization surgery, voice surgery, thyroid cartilage reduction,  
16 or gluteal augmentation;  
17 (ii) supraphysiologic doses of estrogen; or  
18 (iii) puberty blockers such as GnRH agonists or other synthetic drugs that suppress the production  
19 of testosterone to delay or suppress pubertal development in male minors.

20 (4) The medical treatments listed in subsection (3) may be the basis of a claim under subsection  
21 (1) only when knowingly provided to address a minor female patient's perception that the patient's gender or  
22 sex is not female or a minor male patient's perception that the patient's gender or sex is not male and only  
23 when performed in a manner that deviates from the applicable medical standard of care as established by  
24 qualified expert testimony. Subsection (3) does not apply for other purposes, including:

25 (a) treatment for a person born with a medically verifiable disorder of sex development, including:  
26 (i) a person born with external biological sex characteristics that are irresolvably ambiguous,  
27 including an individual born with 46 XX chromosomes with virilization, an individual born with 46 XY

1       chromosomes with undervirilization, or an individual having both ovarian and testicular tissue; and

2           (ii)      a person whom a physician has otherwise diagnosed with a disorder of sexual development in

3        which the physician has determined through genetic or biochemical testing that the person does not have

4        normal sex chromosome structure, sex steroid hormone production, or sex steroid hormone action for a male or

5        female;

6           (b)      treatment of any infection, injury, disease, or disorder that has been caused or exacerbated by

7        a medical treatment listed in subsection (3), whether or not the medical treatment was performed in accordance

8        with state and federal law and whether or not funding for the medical treatment is permissible under state and

9        federal law; or

10          (c)      any other clinically appropriate or evidence-based basis for the treatment.

11          (5)     As used in this section, unless the context clearly indicates otherwise, the following definitions

12        apply:

13           (a)     "Female" means a member of the human species who, under normal development, has XX

14        chromosomes and produces or would produce relatively large, relatively immobile gametes, or eggs, during her

15        life cycle and has a reproductive and endocrine system oriented around the production of those gametes. An

16        individual who would otherwise fall within this definition, but for a biological or genetic condition, is female for

17        the purposes of this section.

18           (b)     "Gender" means the psychological, behavioral, social, and cultural aspects of being male or

19        female.

20           (c)     "Health care professional" means a person who is licensed, certified, or otherwise authorized

21        by the laws of this state to administer health care in the ordinary course of the practice of the person's

22        profession.

23           (d)     "Male" means a member of the human species who, under normal development, has XY

24        chromosomes and produces or would produce small, mobile gametes, or sperm, during his life cycle and has a

25        reproductive and endocrine system oriented around the production of those gametes. An individual who would

26        otherwise fall within this definition, but for a biological or genetic condition, is male for the purposes of this

27        section.

9           **Section 4.** Section 2-18-704, MCA, is amended to read:

10           **"2-18-704. Mandatory provisions.** (1) An insurance contract or plan issued under this part must

1           **NEW SECTION. Section 11. Codification instruction.** (1) [Section 1] is intended to be codified as  
2 an integral part of Title 27, chapter 2, part 2, and the provisions of Title 27, chapter 2, part 2, apply to [section  
3 1].

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

6           (3) [Section 3] is intended to be codified as a new part in Title 50, chapter 4, and the provisions of  
7 Title 50, chapter 4, apply to [section 3].

8

9           **NEW SECTION. Section 12. Effective date dates.** (1) Except as provided in subsection (2), [This  
10 act] [this act] is effective October 1, 2026.

11           (2) [Section 13] and this section are effective on passage and approval.

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

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

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

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

21

22           **COORDINATION SECTION. Section 13. Coordination instruction.** If both Senate Bill No. 218 and  
23 [this act] are passed and approved, then [section 1 of Senate Bill No. 218] and [section 2 of Senate No. Bill  
24 218], amending 27-2-205, are void.

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26           **NEW SECTION. Section 14. Severability.** If a part of [this act] is invalid, all valid parts that are  
27 severable from the invalid part remain in effect. If a part of [this act] is invalid in one or more of its applications,

1 the part remains in effect in all valid applications that are severable from the invalid applications.

2

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

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

5

- END -

AMEND