

FIRST REGULAR SESSION

[PERFECTED]

SENATE SUBSTITUTE FOR

# SENATE BILL NO. 117

102ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR LUETKEMEYER.

0046S.08P

KRISTINA MARTIN, Secretary

## AN ACT

To repeal sections 516.110, 516.120, and 516.140, RSMo, and to enact in lieu thereof three new sections relating to statutes of limitations.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Sections 516.110, 516.120, and 516.140, RSMo,  
2 are repealed and three new sections enacted in lieu thereof, to  
3 be known as sections 516.110, 516.120, and 516.140, to read as  
4 follows:

516.110. **1.** Within ten years:

2 (1) An action upon any writing, whether sealed or  
3 unsealed, for the payment of money or property;

4 (2) Actions brought on any covenant of warranty  
5 contained in any deed of conveyance of land shall be brought  
6 within ten years next after there shall have been a final  
7 decision against the title of the covenantor in such deed,  
8 and actions on any covenant of seizin contained in any such  
9 deed shall be brought within ten years after the cause of  
10 such action shall accrue;

11 (3) Actions for relief, not herein otherwise provided  
12 for;

13 (4) **Notwithstanding the provisions of section 516.105**  
14 **to the contrary, actions for damages for malpractice,**

**EXPLANATION-Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

15 negligence, error or mistake related to the provision of  
16 gender transition services to minors against hospitals or  
17 any entity providing gender transition services.

18         2. As used in this section, the term "gender  
19 transition services" means any medical or surgical service,  
20 including physician's services, inpatient and outpatient  
21 hospital services, or prescribed drugs, related to gender  
22 transition that seeks to alter or remove physical or  
23 anatomical characteristics or features that are typical for  
24 the individual's biological sex, or that instills or creates  
25 physiological or anatomical characteristics that resemble a  
26 sex different from the individual's biological sex,  
27 including medical services that provide puberty-blocking  
28 drugs, cross-sex hormones, or other mechanisms to promote  
29 the development of feminizing or masculinizing features in  
30 the opposite biological sex, or genital or nongenital gender  
31 reassignment surgery performed for the purpose of assisting  
32 an individual with a gender transition. The term "gender  
33 transition procedure" shall not include:

34         (a) Services to individuals born with a medically-  
35 verifiable disorder of sex development, including an  
36 individual with external biological sex characteristics that  
37 are irresolvably ambiguous, such as those born with 46,XX  
38 chromosomes with virilization, 46,XY chromosomes with  
39 undervirilization, or having both ovarian and testicular  
40 tissue;

41         (b) Services provided when a physician has otherwise  
42 diagnosed an individual with a disorder of sexual  
43 development and determined through genetic or biochemical  
44 testing that the individual does not have normal sex  
45 chromosome structure, sex steroid hormone production, or sex  
46 steroid hormone action;

47           (c) The treatment of any infection, injury, disease,  
48 or disorder that has been caused by or exacerbated by the  
49 performance of gender transition procedures regardless of  
50 whether the gender transition procedure was performed in  
51 accordance with state and federal law; or

52           (d) Any procedure undertaken because the individual  
53 suffers from a physical disorder, physical injury, or  
54 physical illness that would, as certified by a physician,  
55 place the individual in imminent danger of death or  
56 impairment of a major bodily function unless surgery is  
57 performed.

516.120. Within five years:

2           (1) All actions upon contracts, obligations or  
3 liabilities, express or implied, except those mentioned in  
4 section 516.110 **and section 516.140**, and except upon  
5 judgments or decrees of a court of record, and except where  
6 a different time is herein limited;

7           (2) An action upon a liability created by a statute  
8 other than a penalty or forfeiture;

9           (3) An action for trespass on real estate;

10           (4) An action for taking, detaining or injuring any  
11 goods or chattels, including actions for the recovery of  
12 specific personal property[, or for any other injury to the  
13 person or rights of another, not arising on contract and not  
14 herein otherwise enumerated];

15           (5) An action for relief on the ground of fraud, the  
16 cause of action in such case to be deemed not to have  
17 accrued until the discovery by the aggrieved party, at any  
18 time within ten years, of the facts constituting the fraud;

19           (6) **Notwithstanding the provisions of section 516.140**  
20 **to the contrary, an action for assault, battery, or personal**  
21 **injury caused by the defendant committing an offense against**

22 **the plaintiff of which an essential element is sexual**  
23 **conduct, as that term is defined in section 566.010, as**  
24 **provided in chapter 566, or an offense of incest or**  
25 **attempted incest, as provided in section 568.020.**

516.140. Within two years:

2 **(1) An action for libel, slander, injurious falsehood,**  
3 **assault, battery, false imprisonment, criminal conversation,**  
4 **malicious prosecution or actions brought under section**  
5 **290.140[.];**

6 **(2) An action by an employee for the payment of unpaid**  
7 **minimum wages, unpaid overtime compensation or liquidated**  
8 **damages by reason of the nonpayment of minimum wages or**  
9 **overtime compensation, and for the recovery of any amount**  
10 **under and by virtue of the provisions of the Fair Labor**  
11 **Standards Act of 1938 and amendments thereto, such act being**  
12 **an act of Congress, shall be brought within two years after**  
13 **the cause accrued;**

14 **(3) An action for any injury to the person or rights**  
15 **of another, not arising on contract and not otherwise**  
16 **provided for by law, including actions for personal injury**  
17 **or bodily injury;**

18 **(4) An action against an insurer relating to uninsured**  
19 **motorist coverage or underinsured motorist coverage,**  
20 **including any action to enforce such coverage.**

✓