

TENNESSEE GENERAL ASSEMBLY  
FISCAL REVIEW COMMITTEE



**FISCAL NOTE**

**HB 1 - SB 1**

January 24, 2023

**SUMMARY OF BILL:** Prohibits a healthcare provider from performing, administering, or offering to perform or administer, a medical procedure for the purpose of enabling a minor to identify with, or live as, a purported identity inconsistent with the minor's biological sex, or treating purported discomfort or distress from a discordance between the minor's biological sex and asserted identity. Creates an exception for medical procedures used to treat a minor's congenital defect, disease, or physical injury, or if the performance or administration of the medical procedure began prior to July 1, 2023.

Authorizes a civil cause of action against a healthcare provider or a minor's parent for conduct in violation of the proposed legislation. Authorizes the parent or next of kin of a minor to bring a wrongful death action against a healthcare provider, under certain conditions.

Requires the Attorney General and Reporter (AG) to establish a process for reporting violations. Authorizes the AG to bring an action against a healthcare provider for a knowing violation. Authorizes a civil penalty of up to \$25,000 for each violation, to be paid into the General Fund.

Establishes that a violation of the proposed legislation by a healthcare provider constitutes a potential threat to public health, safety, and welfare and requires emergency action by an alleged violator's appropriate regulatory authority.

**FISCAL IMPACT:**

**NOT SIGNIFICANT**

Assumptions:

- Pursuant to Tenn. Code Ann. § 63-1-169, hormone treatment for gender dysphoric or gender incongruent minors in Tanner state 1 development is prohibited.
- The proposed legislation prohibits any medical procedure on a minor for the purpose of enabling the minor to identify with, or live as, a purported identity inconsistent with the minor's sex, or treating purported discomfort or distress from a discordance between the minor's sex and asserted identity.
- Any civil action brought against a medical professional, healthcare entity, or other individual or entity is assumed to be borne of a private party.
- This legislation will not significantly impact courts' caseloads.

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- The AG can establish a process for reporting suspected violations and bring any actions against healthcare providers utilizing existing personnel and resources.
- There is not estimated to be a significant number of civil penalties assessed for performing prohibited procedures.
- The Department of Health and health-related boards can accommodate the provisions of the proposed legislation within existing resources.

**CERTIFICATION:**

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in black ink that reads "Krista Lee Carsner". The signature is written in a cursive, flowing style.

Krista Lee Carsner, Executive Director

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