

**LEGISLATIVE REFERENCE BUREAU**

L.R.B. Form No. 4 (Rev. 1/11/17)

No. \_\_\_\_\_

**Legislative Reference Bureau**

An Act amending Title 42  
(Judiciary and Judicial  
Procedure) of the Pennsylvania  
Consolidated Statutes, in  
limitation of time, providing  
for gender affirmation  
treatments.

**INTRODUCED** \_\_\_\_\_

By Schemel, Paul District  
NO. \_\_\_\_\_

By \_\_\_\_\_ District  
NO. \_\_\_\_\_

By \_\_\_\_\_ District  
NO. \_\_\_\_\_

By \_\_\_\_\_ District  
NO. \_\_\_\_\_

See next page for additional co-sponsors.

Prior Session \_\_\_\_\_

**Referred to Committee on**

**Date** \_\_\_\_\_

**Reported** \_\_\_\_\_

**As Committed-Amended**

**Recomendation**  
\_\_\_\_\_

**By Hon.** \_\_\_\_\_

## AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the  
2 Pennsylvania Consolidated Statutes, in limitation of time,  
3 providing for gender affirmation treatments.

4 The General Assembly of the Commonwealth of Pennsylvania  
5 hereby enacts as follows:

6 Section 1. Title 42 of the Pennsylvania Consolidated  
7 Statutes is amended by adding a section to read:

8 § 5540. Gender affirmation treatments.

9 (a) Commencement of action.--If an individual entitled to  
10 bring a civil action arising from gender affirmation treatment  
11 is an unemancipated minor at the time the cause of action  
12 accrues, the period of minority shall not be deemed a portion of  
13 the time period within which the action must be commenced. The  
14 individual shall have until attaining 30 years of age to  
15 commence an action for damages.

16 (b) Definitions.--As used in this section, the following  
17 words and phrases shall have the meanings given to them in this  
18 subsection unless the context clearly indicates otherwise:

1 "Biological sex." The biological indication of male and  
2 female in the context of reproductive potential or capacity,  
3 such as sex chromosomes, naturally occurring sex hormones,  
4 gonads and nonambiguous internal and external genitalia present  
5 at birth, without regard to an individual's psychological,  
6 chosen or subjective experience of gender.

7 "Gender." The psychological, behavioral, social and cultural  
8 aspects of being male or female.

9 "Gender affirmation treatment." Includes a medical service  
10 that seeks to surgically or chemically alter or remove healthy  
11 physical or anatomical characteristics or features that are  
12 typical for the individual's biological sex, in order to instill  
13 or create physiological or anatomical characteristics that  
14 resemble a sex different from the individual's biological sex,  
15 including puberty blockade, introduction of cross-sex hormones  
16 or genital gender reassignment surgery or nongenital gender  
17 reassignment surgery performed for the purpose of assisting an  
18 individual with a gender transition.

19 "Gender transition." The process in which an individual goes  
20 from identifying with and living as a gender that corresponds to  
21 the individual's biological sex to identifying with and living  
22 as a gender different from the individual's biological sex and  
23 which may involve social, legal or physical changes.

24 "Genital gender reassignment surgery." A genital medical  
25 procedure performed for the purpose of assisting an individual  
26 with a gender transition, including any of the following:

27 (1) A surgical procedure such as penectomy, orchiectomy,  
28 vaginoplasty, clitoroplasty or vulvoplasty for biologically  
29 male patients or hysterectomy or ovariectomy for biologically  
30 female patients.

1           (2) Reconstruction of the fixed part of the urethra with  
2           or without a metoidioplasty.

3           (3) Phalloplasty, vaginectomy, scrotoplasty or  
4           implantation of erection or testicular prostheses for  
5           biologically female patients.

6           "Minor." An individual who has not yet attained 18 years of  
7           age.

8           "Nongenital gender reassignment surgery." A nongenital  
9           medical procedure performed for the purpose of assisting an  
10           individual with a gender transition, including any of the  
11           following:

12           (1) A surgical procedure for biologically male patients,  
13           such as augmentation mammoplasty, facial feminization  
14           surgery, liposuction, lipofilling, voice surgery, thyroid  
15           cartilage reduction, gluteal augmentation, hair  
16           reconstruction or various aesthetic procedures.

17           (2) A surgical procedure for biologically female  
18           patients, such as subcutaneous mastectomy, voice surgery,  
19           liposuction, lipofilling, pectoral implants or various  
20           aesthetic procedures.

21           Section 2. This act shall take effect in 60 days.