



# North Dakota House of Representatives

STATE CAPITOL  
600 EAST BOULEVARD  
BISMARCK, ND 58505-0360



## **Representative Brandon Prichard**

District 8  
8600 Creekside Drive  
Bismarck, ND 58504-3952

C: 701-220-0624

[bprichard@ndlegis.gov](mailto:bprichard@ndlegis.gov)

## **COMMITTEES:**

Human Services  
Agriculture

### **House Bill 1301 House Health and Human Services Committee Representative Weisz, Chairman January 24, 2023**

Chairman Weisz and members of the House Health and Human Services Committee,

My name is Rep. Brandon Prichard and I represent District 8 which covers all of Emmons County, rural and suburban portions of Burleigh County, and Wilton which is in McLean County. I am here to testify in support of HB 1301 which would provide a course of legal action for a minor who received a transition surgery, hormone therapy, or puberty blockers with the intent to change the gender of the minor or stop development to consider gender transition. If passed, HB 1301 would give a minor 30 years to bring litigation against (1) their parents if they consented to the surgery or medications, (2) the doctor who performed the gender reassignment surgery or prescribed the gender-affirming medication, and (3) the medical institution that allowed the doctor to perform the surgery or prescribe the medication. Further action could be taken by the local State's Attorney Office or the Attorney General's Office for the purpose of penalizing the doctor and medical institution. The North Dakota Board of Medicine may also revoke a medical license for the infraction. HB 1301 is the sister bill to HB 1254 and would create a civil penalty for the aforementioned procedures and medications, while HB 1254 would only create a criminal penalty.

On page 2 under "Gender transitioning procedure on a minor prohibited – Exceptions," the language would preempt a health care professional from performing gender reassignment surgery or prescribing drugs that intend to change the gender or stop development of a minor. According to the language, "[a] health care provider may not perform or offer to perform a medical procedure on a minor, or administer or offer to administer medication to a minor, if the performance of the medical procedure or administration of the medication is for the purpose of: (a). [e]nabling a minor to identify with, or live as, a purported identity inconsistent with the minor's sex; or (b). [t]reating purported discomfort or distress from a discordance between the minor's sex and asserted identity." Page 2, lines 15-21 would clearly define exceptions for surgeries on minors and medications prescribed, including any surgery that (1) intends to treat a minor's congenital defect, disease, or physical injury, and (2) if the medical procedure or medications were prescribed before the effective date of this legislation. Page 3, lines 16-18 clarifies that "disease" does not include gender dysphoria, gender identity disorder, gender incongruence, or any mental condition, disorder, disability, or abnormality that can be used to justify gender transitioning.

On page 3 under "Private right of action," the extent of a minor to bring a civil lawsuit is defined. Under 23-52-03, a minor may bring a civil cause of action to recover compensatory damages, punitive damages, and reasonable attorney's fees, court costs, and expenses. Page 3, line 24-30 is where the potential liable parties are listed. Page 4, lines 8-15 allows the next of kin or parent if they did not consent to the surgery or medications to bring a cause of action in the case of a wrongful death. If a court in a civil action finds a health care provider or the

administration of a medical facility employing the health care provider knowingly violated the regulations in this bill, the court shall notify the appropriate regulatory authority, the appropriate state's attorney, and the attorney general by mailing a certified copy of the court's order.

On page 5, lines 5-25, a right of action is given to the State's Attorney Office and the Attorney General to penalize and claim a business's profits for performing transition surgeries or prescribing medications. Within twenty years of the violation, the attorney general or appropriate state's attorney may investigate any alleged violation. If there is probable cause to believe that a violation has occurred, the attorney general or appropriate state's attorney may bring an action against a health care provider to enjoin further violations, to disgorge any profits received due to the medical procedure or medication, and to recover a civil penalty of: (a). twenty - five thousand dollars per violation if the violation involved the surgical removal, modification, alteration or entering of tissues, cavities, or organs of an individual; and (b). twenty thousand dollars per violation if the violation involved prescribing, administering, dispensing, or otherwise supplying any drug or device to an individual. Page 5, lines 26-31 gives the Board of Medicine the ability to strip a healthcare provider of their license if a violation occurs.

Transition surgeries and medications have a brutal and life-altering impact of the recipient. This is particularly true in the case of a patient under the age of 18. Medications like hormone therapy and puberty blockers are linked to lose in bone density and osteoporosis, partial or complete loss of fertility, long-lasting brain fog, increased risk of cardiovascular disease, increased risk of breast and uterus cancers, and harmful psychoactive effects. Meanwhile, the surgeries are permanent and cannot be reversed.

I encourage the Health and Human Services Committee to support the effort to protect the innocence of children by banning transition surgeries and medications on minors. I respectfully ask for the committee to support HB 1301 by giving the bill a "Do Pass" recommendation.