

**Second Regular Session
Seventy-fifth General Assembly
STATE OF COLORADO**

INTRODUCED

LLS NO. 26-0308.01 Jacob Baus x2173

HOUSE BILL 26-1128

HOUSE SPONSORSHIP

DeGraaf,

SENATE SPONSORSHIP

(None),

House Committees

State, Civic, Military, & Veterans Affairs

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING THE STATUTE OF LIMITATIONS FOR YOUTH GENDER**
102 **TRANSITION PROCEDURES.**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill requires that a cause of action for an intentional or negligent act for an injury as a result of a youth gender transition procedure by a provider must be brought before the youth reaches 38 years old.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, **add** 13-80-104.5 as
3 follows:

4 **13-80-104.5. Limitation of actions for youth gender transition**
5 **procedures - severability - legislative declaration - definitions.**

6 (1) AS USED IN THIS SECTION, UNLESS THE CONTEXT OTHERWISE
7 REQUIRES:

8 (a) "PROVIDER" MEANS A PHYSICIAN, SURGEON,
9 ENDOCRINOLOGIST, MENTAL HEALTH PROFESSIONAL, CLINIC, HOSPITAL, OR
10 OTHER ENTITY INVOLVED IN RECOMMENDING, APPROVING, OR PROVIDING
11 A GENDER TRANSITION PROCEDURE.

12 (b) "SEX" MEANS AN INDIVIDUAL'S CLASSIFICATION AS ONE OF THE
13 ONLY TWO CLASSES OF HUMAN, MALE OR FEMALE, BASED ON THE TYPE OF
14 GAMETE THAT INDIVIDUAL HAS, HAD, WILL HAVE, OR WOULD HAVE BUT
15 FOR A CONGENITAL ANOMALY OR INTENTIONAL OR UNINTENTIONAL
16 DISRUPTION; THE CAPACITY TO PRODUCE AS DICTATED BY HIS OR HER
17 SEXUAL ANATOMY; AND WITHOUT REFERENCE TO THE INDIVIDUAL'S
18 PSYCHOLOGICAL STATE, BEHAVIOR, EXPRESSION, OR PERSONAL IDENTITY.

19 (c) (I) "YOUTH GENDER TRANSITION PROCEDURE" MEANS A
20 MEDICAL PROCESS PERFORMED BEFORE THE AGE OF TWENTY-SIX BY WHICH
21 AN INDIVIDUAL'S ANATOMY, PHYSIOLOGY, OR MENTAL STATE IS TREATED
22 OR ALTERED, INCLUDING BY THE REMOVAL OF OTHERWISE HEALTHY
23 ORGANS OR TISSUE, THE INTRODUCTION OF IMPLANTS OR PERFORMANCE
24 OF OTHER PLASTIC SURGERY, HORMONE TREATMENT, OR THE USE OF
25 DRUGS, COUNSELING, OR THERAPY, FOR THE PURPOSE OF FURTHERING OR
26 ASSISTING THE INDIVIDUAL'S IDENTIFICATION AS A MEMBER OF THE
27 OPPOSITE SEX, GROUP, OR DEMOGRAPHIC CATEGORY THAT DOES NOT

1 CORRESPOND TO THE INDIVIDUAL'S SEX, WHICH MAY INCLUDE:

2 (A) PRESCRIBING OR ADMINISTERING MEDICATION;

3 (B) PERFORMING A SURGERY THAT STERILIZES, INCLUDING

4 CASTRATION, VASECTOMY, HYSTERECTOMY, OOPHORECTOMY,

5 ORCHIECTOMY, AND PENECTOMY;

6 (C) PERFORMING A SURGERY THAT ARTIFICIALLY CONSTRUCTS

7 TISSUE WITH THE APPEARANCE OF GENITALIA THAT DIFFERS FROM THE

8 INDIVIDUAL'S SEX, INCLUDING METOIDIOPLASTY, PHALLOPLASTY, AND

9 VAGINOPLASTY; OR

10 (D) REMOVING ANY HEALTHY OR NONDISEASED BODY PART OR

11 TISSUE.

12 (II) "YOUTH GENDER TRANSITION PROCEDURE" DOES NOT INCLUDE

13 MALE CIRCUMCISION. MALE CIRCUMCISION IS RECOGNIZED AS BEING FOR

14 HYGIENIC OR RELIGIOUS PURPOSES AND IS NOT FOR THE PURPOSE OF

15 ATTEMPTING TO ALTER THE APPEARANCE OF OR AFFIRM AN INDIVIDUAL'S

16 PERCEPTION OF THEIR GENDER OR SEX WHEN THE ALTERED APPEARANCE

17 OR AFFIRMED PERCEPTION IS INCONSISTENT WITH THE INDIVIDUAL'S SEX.

18 (III) "YOUTH GENDER TRANSITION PROCEDURE" DOES NOT

19 INCLUDE A PROCEDURE UNDERTAKEN TO TREAT AN INDIVIDUAL BORN

20 WITH A MEDICALLY VERIFIABLE DISORDER OF SEX DEVELOPMENT,

21 INCLUDING AN INDIVIDUAL:

22 (A) BORN WITH EXTERNAL BIOLOGICAL SEX CHARACTERISTICS

23 THAT ARE AMBIGUOUS, INCLUDING AN INDIVIDUAL BORN WITH 46,XX

24 CHROMOSOMES WITH VIRILIZATION, AN INDIVIDUAL BORN WITH 46,XY

25 CHROMOSOMES WITH UNDERVIRILIZATION, OR AN INDIVIDUAL HAVING

26 BOTH OVARIAN AND TESTICULAR TISSUE; OR

27 (B) OTHERWISE DIAGNOSED WITH A DISORDER OF SEXUAL

1 DEVELOPMENT BY A PHYSICIAN WHEN THE PHYSICIAN HAS DETERMINED,
2 THROUGH GENETIC OR BIOCHEMICAL TESTING, THAT THE INDIVIDUAL DOES
3 NOT HAVE NORMAL SEX CHROMOSOME STRUCTURE, SEX STEROID
4 HORMONE PRODUCTION, OR SEX STEROID HORMONE ACTION.

5 (2) (a) AN ACTION BASED ON INTENTIONAL CONDUCT BROUGHT BY
6 AN INDIVIDUAL FOR RECOVERY OF DAMAGES FOR INJURY SUFFERED AS THE
7 RESULT OF A YOUTH GENDER TRANSITION PROCEDURE AGAINST THE
8 PROVIDER WHO COMMITTED THE ACT MUST BE COMMENCED BEFORE THE
9 INDIVIDUAL WHO WAS THE SUBJECT OF THE YOUTH GENDER TRANSITION
10 PROCEDURE THAT IS ALLEGED TO HAVE CAUSED THE INJURY REACHES
11 THIRTY-EIGHT YEARS OLD.

12 (b) NOTWITHSTANDING ANY OTHER STATUTE OF LIMITATIONS
13 SPECIFIED IN THIS ARTICLE 80 OR ANY OTHER PROVISION OF LAW THAT CAN
14 BE CONSTRUED TO LIMIT THE TIME PERIOD TO COMMENCE AN ACTION
15 DESCRIBED IN THIS SECTION, AN ACTION FOR RECOVERY OF DAMAGES FOR
16 LIABILITY AGAINST THE PROVIDER THAT OWED A DUTY OF CARE TO THE
17 INDIVIDUAL WHEN A WRONGFUL OR NEGLIGENT ACT BY AN EMPLOYEE,
18 OFFICER, DIRECTOR, OFFICIAL, VOLUNTEER, REPRESENTATIVE, OR AGENT
19 OF THE PROVIDER WAS A LEGAL CAUSE OF THE YOUTH GENDER TRANSITION
20 PROCEDURE THAT RESULTED IN THE INJURY TO THE INDIVIDUAL MUST BE
21 COMMENCED BEFORE THE INDIVIDUAL WHO WAS THE SUBJECT OF THE
22 YOUTH GENDER TRANSITION PROCEDURE THAT IS ALLEGED TO HAVE
23 CAUSED THE INJURY REACHES THIRTY-EIGHT YEARS OLD.

24 (3) THIS SECTION DOES NOT:

25 (a) WHOLLY OR PARTLY REPEAL, EITHER EXPRESSLY OR BY
26 IMPLICATION, ANY OTHER STATUTE THAT REGULATES OR PROHIBITS YOUTH
27 GENDER TRANSITION PROCEDURES; OR

1 (b) RESTRICT A POLITICAL SUBDIVISION FROM REGULATING OR
2 PROHIBITING YOUTH GENDER TRANSITION PROCEDURES IN A MANNER THAT
3 IS AT LEAST AS STRINGENT AS THE LAWS OF THIS STATE.

4 (4) (a) EVERY PROVISION, SECTION, SUBSECTION, SENTENCE,
5 CLAUSE, PHRASE, OR WORD IN THIS SECTION, AND EVERY APPLICATION OF
6 THE PROVISIONS IN THIS SECTION, IS SEVERABLE FROM EACH OTHER. IF
7 ANY APPLICATION OF ANY PROVISION IN THIS SECTION TO ANY PERSON,
8 GROUP OF PERSONS, OR CIRCUMSTANCES IS FOUND BY A COURT TO BE
9 INVALID, THE REMAINING APPLICATIONS OF THAT PROVISION TO ALL OTHER
10 PERSONS AND CIRCUMSTANCES MUST BE SEVERED AND MAY NOT BE
11 AFFECTED. ALL CONSTITUTIONALLY VALID APPLICATIONS OF THIS SECTION
12 MUST BE SEVERED FROM ANY APPLICATIONS THAT A COURT FINDS TO BE
13 INVALID, LEAVING THE VALID APPLICATIONS IN FORCE, BECAUSE IT IS THE
14 GENERAL ASSEMBLY'S INTENT AND PRIORITY THAT THE VALID
15 APPLICATIONS BE ALLOWED TO STAND ALONE.

16 (b) THE GENERAL ASSEMBLY DECLARES THAT IT WOULD HAVE
17 PASSED THIS SECTION, AND EACH PROVISION, SECTION, SUBSECTION,
18 SENTENCE, CLAUSE, PHRASE, OR WORD, AND ALL CONSTITUTIONAL
19 APPLICATIONS OF THIS SECTION, IRRESPECTIVE OF THE FACT THAT ANY
20 PROVISION, SECTION, SUBSECTION, SENTENCE, CLAUSE, PHRASE, OR WORD,
21 OR APPLICATIONS OF THIS SECTION, WERE TO BE DECLARED
22 UNCONSTITUTIONAL. IF ANY PROVISION OF THIS SECTION IS FOUND BY ANY
23 COURT TO BE UNCONSTITUTIONALLY VAGUE, THE APPLICATIONS OF THAT
24 PROVISION THAT DO NOT PRESENT CONSTITUTIONAL VAGUENESS
25 PROBLEMS MUST BE SEVERED AND REMAIN IN FORCE.

26 **SECTION 2. Act subject to petition - effective date -**
27 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following

1 the expiration of the ninety-day period after final adjournment of the
2 general assembly (August 12, 2026, if adjournment sine die is on May 13,
3 2026); except that, if a referendum petition is filed pursuant to section 1
4 (3) of article V of the state constitution against this act or an item, section,
5 or part of this act within such period, then the act, item, section, or part
6 will not take effect unless approved by the people at the general election
7 to be held in November 2026 and, in such case, will take effect on the
8 date of the official declaration of the vote thereon by the governor.

9 (2) This act applies to claims that have not been barred as of the
10 applicable effective date of this act.