
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 138 Session of
2023

INTRODUCED BY SCHEMEL, D'ORSIE, GLEIM, HAMM, T. JONES, KAUFFMAN,
KEEFER, LEADBETER, OWLETT, ROWE, SCIALABBA, STAATS AND
ZIMMERMAN, MARCH 8, 2023

REFERRED TO COMMITTEE ON JUDICIARY, MARCH 8, 2023

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.