

LEGISLATURE OF NEBRASKA
ONE HUNDRED NINTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 731

Introduced by Kauth, 31.

Read first time January 07, 2026

Committee: Judiciary

1 A BILL FOR AN ACT relating to public health and welfare; to amend section
2 25-222, Reissue Revised Statutes of Nebraska, and section 71-7307,
3 Revised Statutes Cumulative Supplement, 2024; to adopt the Gender
4 Transition Malpractice Accountability Act; to require insurance
5 coverage for certain treatments and procedures arising as a result
6 of a gender-altering procedure as prescribed; to provide an
7 exemption to the time limitation to commence certain actions
8 relating to professional negligence; to change provisions relating
9 to civil actions under the Let Them Grow Act; to provide an
10 operative date; to provide severability; and to repeal the original
11 sections.

12 Be it enacted by the people of the State of Nebraska,

1 **Section 1.** Sections 1 to 6 of this act shall be known and may be
2 cited as the Gender Transition Malpractice Accountability Act.

3 **Sec. 2.** The Legislature finds that:

4 (1) Individuals subjected to gender transition procedures,
5 especially as minors, may not recognize the full extent of physical,
6 psychological, or reproductive harm until well into adulthood;

7 (2) Standard medical malpractice statutes of limitations often
8 expire before such individuals can reasonably discover injury or
9 causation; and

10 (3) Extending the statute of limitations and creating a private
11 right of action for such individuals protects patients, promotes
12 accountability, and upholds the integrity of medical practice.

13 **Sec. 3.** For purposes of the Gender Transition Malpractice
14 Accountability Act:

15 (1) Cross-sex hormones means testosterone or other androgens given
16 to biological females in amounts that are larger or more potent than
17 would normally occur naturally in healthy females and estrogen given to
18 males in amounts that are larger or more potent than would normally occur
19 naturally in healthy males;

20 (2) Female has the same meaning as in section 79-3803;

21 (3) Gender means the psychological, behavioral, social, and cultural
22 aspects of being male or female;

23 (4) Gender alteration means the process in which a person goes from
24 identifying with and living as a gender that corresponds to his or her
25 sex to identifying with and living as a gender different from his or her
26 sex, such as a member of the opposite sex or as nonbinary, and may
27 involve social, legal, or physical changes;

28 (5)(a) Gender-altering procedures includes any medical or surgical
29 service, including without limitation physician's services, inpatient and
30 outpatient hospital services, or prescribed drugs related to gender
31 alteration, that seeks to:

1 (i) Alter or remove physical or anatomical characteristics or
2 features that are typical for the individual's sex; or
3 (ii) Instill or create physiological or anatomical characteristics
4 that resemble a sex different from the individual's sex, including
5 without limitation medical services that provide puberty-blocking drugs,
6 cross-sex hormones, or other mechanisms to promote the development of
7 feminizing or masculinizing features in the opposite sex, or genital or
8 nongenital gender-altering surgery performed for the purpose of assisting
9 an individual with a gender alteration.

10 (b) Gender-altering procedures does not include:

11 (i) Services to persons born with a medically verifiable disorder of
12 sex development, including a person with external sex characteristics
13 that are irresolvably ambiguous, such as those born with 46 XX
14 chromosomes with virilization, 46 XY chromosomes with undervirilization,
15 or both ovarian and testicular tissue;

16 (ii) Services provided when a physician has otherwise diagnosed a
17 disorder of sexual development that the physician has determined, through
18 genetic or biochemical testing, that the person does not have normal sex-
19 chromosome structure, sex-steroid production, or sex-steroid hormone
20 action;

21 (iii) The acute and chronic treatment of any infection, injury,
22 disease, or disorder that has been caused by or exacerbated by the
23 performance of a gender-altering procedure, whether or not the gender-
24 altering procedure was performed in accordance with state and federal
25 law; or

26 (iv) Any procedure undertaken because the individual suffers from a
27 physical disorder, physical injury, or physical illness that would, as
28 certified by the physician, place the individual in imminent danger of
29 death or impairment of major bodily function unless surgery is performed;

30 (6) Gender-altering surgery means any medical or surgical service
31 that seeks to surgically alter or remove healthy physical or anatomical

1 characteristics or features that are typical for the individual's sex in
2 order to instill or create physiological or anatomical characteristics
3 that resemble a sex different from the individual's sex, including
4 without limitation, genital or nongenital gender-altering surgery
5 performed for the purpose of assisting an individual with a gender
6 alteration;

7 (7) Genital gender-altering surgery means a medical procedure
8 performed for the purpose of assisting an individual with a gender
9 alteration, including without limitation:

10 (a) Surgical procedures such as penectomy, orchectomy,
11 vaginoplasty, clitoroplasty, or vulvoplasty for male patients or
12 hysterectomy or ovarectomy for female patients;

13 (b) Reconstruction of the fixed part of the urethra with or without
14 a metoidioplasty; or

15 (c) Phalloplasty, vaginectomy, scrotoplasty, or implantation of
16 erection or testicular prostheses for female patients;

17 (8) Male has the same meaning as in section 79-3803;

18 (9) Nongenital gender-altering surgery means medical procedures
19 performed for the purpose of assisting an individual with a gender
20 alteration, including without limitation:

21 (a) Surgical procedures for male patients, such as voice surgery or
22 thyroid cartilage reduction; or

23 (b) Surgical procedures for female patients, such as subcutaneous
24 mastectomy or voice surgery;

25 (10) Provider means any physician, mental health professional,
26 clinic, hospital, or other entity involved in recommending, approving, or
27 providing a gender-altering procedure;

28 (11) Puberty-blocking drugs means gonadotropin-releasing hormone
29 analogues or other synthetic drugs used in biological males to stop
30 luteinizing hormone secretion and therefore testosterone secretion, or
31 synthetic drugs used in females which stop the production of estrogens

1 and progesterone, when used to delay or suppress pubertal development in
2 children for the purpose of assisting an individual with a gender
3 alteration; and

4 (12) Sex means an individual's sex, either male or female, without
5 reference to the individual's psychological state, behavior, expression,
6 or personal identity.

7 Sec. 4. (1) An action for injury or damages arising out of the
8 recommendation, approval, or provision of a gender-altering procedure can
9 only be brought against a provider within twelve years after the later of
10 the date of such provider's recommendation, approval, or procedure.

11 (2) Sovereign immunity is waived for any claim brought for injury or
12 damages arising out of the recommendation, approval, or provision of a
13 gender-altering procedure.

14 (3) A provider shall not seek a contractual waiver of the liability
15 arising out of the performance of or failure to perform services while in
16 the course of facilitating or perpetuating a gender-altering procedure.
17 Any attempted waiver is contrary to the public policy of this state and
18 is null and void.

19 Sec. 5. Any person entitled to bring an action under the Gender
20 Transition Malpractice Accountability Act may recover actual damages and
21 reasonable attorney's fees. Actual damages shall include, without
22 limitation, damages for physical injury, pain and suffering, emotional
23 distress, loss of fertility, diminished capacity for sexual relations,
24 loss of income, and other economic and noneconomic losses.

25 Sec. 6. (1) A provider who performs or prescribes any gender-
26 altering procedure shall, prior to initiating the procedure, provide the
27 patient, and the patient's parent or legal guardian if the patient is
28 younger than nineteen years of age, with a written disclosure of:

29 (a) All known physical and psychological risks associated with the
30 gender-altering procedure;

31 (b) If applicable, the lack of conclusive long-term data on safety

1 and efficacy of the gender-altering procedure; and

2 (c) The potential for regret and need for future medical
3 interventions.

4 (2) Such disclosure shall be signed by the provider, the patient,
5 and, as appropriate, at least one parent or legal guardian. The provider
6 shall maintain a copy of such disclosure in the medical record for such
7 patient.

8 (3) Nothing in this section shall authorize a provider to perform or
9 prescribe any gender-altering procedure on a patient who is younger than
10 nineteen years of age in violation of any state law, the Let Them Grow
11 Act, or any rules and regulations adopted and promulgated under the Let
12 Them Grow Act.

13 Sec. 7. (1) For purposes of this section:

14 (a) Cross-sex hormones has the same meaning as in section 3 of this
15 act;

16 (b) Female has the same meaning as in section 79-3803;

17 (c) Gender has the same meaning as in section 3 of this act;

18 (d) Gender alteration has the same meaning as in section 3 of this
19 act;

20 (e) Gender-altering procedure has the same meaning as in section 3
21 of this act;

22 (f) Gender-altering surgery has the same meaning as in section 3 of
23 this act;

24 (g) Genital gender-altering surgery has the same meaning as in
25 section 3 of this act;

26 (h) Health insurance policy means (i) any individual or group
27 sickness and accident insurance policy or subscriber contract delivered,
28 issued for delivery, or renewed in this state and any hospital, medical,
29 or surgical expense-incurred policy, except for policies that provide
30 coverage for a specific disease or other limited-benefit coverage, and
31 (ii) any self-funded employee benefit plan to the extent not preempted by

1 federal law;

2 (i) Male has the same meaning as in section 79-3803;

3 (j) Nongenital gender-altering surgery has the same meaning as in
4 section 3 of this act;

5 (k) Puberty-blocking drugs has the same meaning as in section 3 of
6 this act; and

7 (1) Sex means an individual's sex, either male or female without
8 reference to the individual's psychological state, behavior, expression,
9 or personal identity.

10 (2) This section applies beginning January 1, 2027.

11 (3) Notwithstanding section 44-3,131, any health insurance policy
12 which provides coverage or has ever provided coverage for a covered
13 individual's gender-altering procedure shall:

14 (a) Provide coverage, including for any applicable diagnostic or
15 billing code, for:

16 (i) All possible adverse consequences related to the covered
17 individual's gender-altering procedure, including any short-term or long-
18 term side effects of the procedure;

19 (ii) Any baseline and follow-up testing or screening necessary to
20 monitor the mental and physical health of the covered individual on at
21 least an annual basis without regard to the sex or gender identity
22 designation in the covered individual's medical record; and

23 (iii) Any procedure, treatment, or therapy necessary to manage,
24 reverse, reconstruct from, or recover from the covered individual's
25 gender-altering procedure; and

26 (b) Provide the coverage described in this subsection to any covered
27 individual who has undergone a gender-altering procedure regardless of
28 whether the covered individual was enrolled in the plan or policy at the
29 time of the procedure.

30 **Sec. 8.** Section 25-222, Reissue Revised Statutes of Nebraska, is
31 amended to read:

1 25-222 Any action to recover damages based on alleged professional
2 negligence or upon alleged breach of warranty in rendering or failure to
3 render professional services shall be commenced within two years next
4 after the alleged act or omission in rendering or failure to render
5 professional services providing the basis for such action; Provided, if
6 the cause of action is not discovered and could not be reasonably
7 discovered within such two-year period, then the action may be commenced
8 within one year from the date of such discovery or from the date of
9 discovery of facts which would reasonably lead to such discovery,
10 whichever is earlier; and provided further, that in no event may any
11 action be commenced to recover damages for professional negligence or
12 breach of warranty in rendering or failure to render professional
13 services more than ten years after the date of rendering or failure to
14 render such professional service which provides the basis for the cause
15 of action.

16 This section does not apply to claims brought pursuant to the Gender
17 Transition Malpractice Accountability Act.

18 **Sec. 9.** Section 71-7307, Revised Statutes Cumulative Supplement,
19 2024, is amended to read:

20 71-7307 An individual that received a gender-altering procedure in
21 violation of section 71-7304 after October 1, 2023, and while such
22 individual was younger than nineteen years of age, or the parent or
23 guardian of such an individual, may bring a civil action for appropriate
24 relief against the health care practitioner who performed the gender-
25 altering procedure. Appropriate relief in an action under this section
26 includes actual damages and reasonable attorney's fees. An action under
27 this section shall be brought within the time an action must be brought
28 pursuant to section 4 of this act two years after discovery of damages.

29 **Sec. 10.** This act becomes operative on January 1, 2027.

30 **Sec. 11.** If any section in this act or any part of any section is
31 declared invalid or unconstitutional, the declaration shall not affect

1 the validity or constitutionality of the remaining portions.

2 **Sec. 12.** Original section 25-222, Reissue Revised Statutes of
3 Nebraska, and section 71-7307, Revised Statutes Cumulative Supplement,
4 2024, are repealed.