

LEGISLATURE OF NEBRASKA
ONE HUNDRED NINTH LEGISLATURE
SECOND SESSION

LEGISLATIVE BILL 732

Introduced by Kauth, 31.

Read first time January 07, 2026

Committee: Health and Human Services

- 1 A BILL FOR AN ACT relating to public health and welfare; to amend
- 2 sections 71-7301, 71-7303, 71-7304, 71-7305, and 71-7307, Revised
- 3 Statutes Cumulative Supplement, 2024; to change provisions relating
- 4 to the Let Them Grow Act; to define terms; to prohibit health care
- 5 practitioners from providing cross-sex hormones and puberty blockers
- 6 to individuals younger than nineteen years of age as prescribed; to
- 7 provide powers and duties to the Attorney General; to harmonize
- 8 provisions; and to repeal the original sections.
- 9 Be it enacted by the people of the State of Nebraska,

1 **Section 1.** Section 71-7301, Revised Statutes Cumulative Supplement,
2 2024, is amended to read:

3 71-7301 Sections 71-7301 to 71-7307 and section 6 of this act shall
4 be known and may be cited as the Let Them Grow Act.

5 **Sec. 2.** Section 71-7303, Revised Statutes Cumulative Supplement,
6 2024, is amended to read:

7 71-7303 For purposes of the Let Them Grow Act:

8 (1) Biological sex means the biological indication of male and
9 female in the context of reproductive potential or capacity, such as sex
10 chromosomes, naturally occurring sex hormones, gonads, and nonambiguous
11 internal and external genitalia present at birth, without regard to an
12 individual's psychological, chosen, or subjective experience of gender;

13 (2) Congenital defect means a physical or chemical abnormality
14 present in an individual younger than nineteen years of age that is
15 inconsistent with the normal development of a human being of such
16 individual's biological sex, including abnormalities caused by a
17 medically verifiable disorder of sex development. Congenital defect does
18 not include gender dysphoria, gender identity disorder, or any mental
19 condition;

20 (3) (2) Cross-sex hormones means testosterone or other androgens
21 given to biological females in amounts that are larger or more potent
22 than would normally occur naturally in healthy biological sex females and
23 estrogen given to biological males in amounts that are larger or more
24 potent than would normally occur naturally in healthy biological sex
25 males;

26 (4) (3) Gender means the psychological, behavioral, social, and
27 cultural aspects of being male or female;

28 (5) (4) Gender-altering surgery means any medical or surgical
29 service that seeks to surgically alter or remove healthy physical or
30 anatomical characteristics or features that are typical for the
31 individual's biological sex in order to instill or create physiological

1 or anatomical characteristics that resemble a sex different from the
2 individual's biological sex, including without limitation, genital or
3 nongenital gender-altering surgery performed for the purpose of assisting
4 an individual with a gender alteration;

5 (6) ~~(5)~~ Gender alteration means the process in which a person goes
6 from identifying with and living as a gender that corresponds to his or
7 her biological sex to identifying with and living as a gender different
8 from his or her biological sex and may involve social, legal, or physical
9 changes;

10 (7)(a) ~~(6)(a)~~ Gender-altering procedures includes any medical or
11 surgical service, including without limitation physician's services,
12 inpatient and outpatient hospital services, or prescribed drugs related
13 to gender alteration, that seeks to:

14 (i) Alter or remove physical or anatomical characteristics or
15 features that are typical for the individual's biological sex; or

16 (ii) Instill or create physiological or anatomical characteristics
17 that resemble a sex different from the individual's biological sex,
18 including without limitation medical services that provide puberty-
19 blocking drugs, cross-sex hormones, or other mechanisms to promote the
20 development of feminizing or masculinizing features in the opposite
21 biological sex, or genital or nongenital gender-altering surgery
22 performed for the purpose of assisting an individual with a gender
23 alteration;

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

25 (i) Services to persons born with a medically verifiable disorder of
26 sex development, including a person with external biological sex
27 characteristics that are irresolvably ambiguous, such as those born with
28 46 XX chromosomes with virilization, 46 XY chromosomes with
29 undervirilization, or having both ovarian and testicular tissue;

30 (ii) Services provided when a health care practitioner has otherwise
31 diagnosed a disorder of sexual development that the health care

1 practitioner has determined, through genetic or biochemical testing, that
2 the person does not have normal sex-chromosome structure, sex-steroid
3 production, or sex-steroid hormone action;

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

9 (iv) Any procedure undertaken because the individual suffers from a
10 physical disorder, physical injury, or physical illness that would, as
11 certified by the health care practitioner, place the individual in
12 imminent danger of death or impairment of major bodily function unless
13 surgery is performed;

14 (8) ~~(7)~~ Genital gender-altering surgery means a medical procedure
15 performed for the purpose of assisting an individual with a gender
16 alteration, including without limitation:

17 (a) Surgical procedures such as penectomy, orchiectomy,
18 vaginoplasty, clitoroplasty, or vulvoplasty for biologically male
19 patients or hysterectomy or ovariectomy for biologically female patients;

20 (b) Reconstruction of the fixed part of the urethra with or without
21 a metoidioplasty; or

22 (c) Phalloplasty, vaginectomy, scrotoplasty, or implantation of
23 erection or testicular prostheses for biologically female patients;

24 (9) ~~(8)~~ Health care practitioner means a person licensed or
25 certified under the Uniform Credentialing Act;

26 (10) ~~(9)~~ Puberty-blocking drugs means gonadotropin-releasing hormone
27 analogues or other synthetic drugs used in biological males to stop
28 luteinizing hormone secretion and therefore testosterone secretion, or
29 synthetic drugs used in biological females which stop the production of
30 estrogens and progesterone, when used to delay or suppress pubertal
31 development in children for the purpose of assisting an individual with a

1 gender alteration; ~~and~~

2 (11) ~~(10)~~ Nongenital gender-altering surgery means medical
3 procedures performed for the purpose of assisting an individual with a
4 gender alteration, including without limitation:

5 (a) Surgical procedures for biologically male patients, such as
6 voice surgery or thyroid cartilage reduction; or

7 (b) Surgical procedures for biologically female patients, such as
8 subcutaneous mastectomy or voice surgery; and -

9 (12) Telehealth has the same meaning as in section 38-120.01.

10 **Sec. 3.** Section 71-7304, Revised Statutes Cumulative Supplement,
11 2024, is amended to read:

12 71-7304 (1) Except as provided in the Let Them Grow Act and the
13 rules and regulations adopted and promulgated pursuant to the act, a
14 health care practitioner shall not perform gender-altering procedures in
15 this state, including via telehealth to an individual located in this
16 state, for an individual younger than nineteen years of age.

17 (2) The intentional and knowing performance of gender-altering
18 procedures by a health care practitioner for an individual younger than
19 nineteen years of age in violation of subsection (1) of this section
20 shall be considered unprofessional conduct as defined in section 38-179.

21 (3) This section does not apply to the continuation of treatment
22 using puberty-blocking drugs, cross-sex hormones, or both when the course
23 of treatment began before October 1, 2023, and concluded on or before
24 January 1, 2027.

25 (4) This section does not apply to nonsurgical gender-altering
26 procedures when such procedures are provided:

27 (a) Prior to the effective date of this act in compliance with the
28 rules and regulations adopted and promulgated pursuant to subsection (1)
29 of section 71-7305; or -

30 (b) On and after the effective date of this act in compliance with
31 subsection (2) of section 71-7305.

1 **Sec. 4.** Section 71-7305, Revised Statutes Cumulative Supplement,
2 2024, is amended to read:

3 71-7305 (1) Except as provided in subsection (2) of this section,
4 ~~the~~ The chief medical officer as designated in section 81-3115 shall
5 adopt and promulgate such rules and regulations as are necessary to
6 provide for nonsurgical gender-altering procedures for individuals
7 younger than nineteen years of age, such as puberty-blocking drugs,
8 cross-sex hormones, or both. Such rules and regulations shall be
9 consistent with the Let Them Grow Act and, at a minimum, include the
10 following:

11 (a) Specify that a health care practitioner may prescribe approved
12 puberty-blocking drugs, cross-sex hormones, or both to an individual
13 younger than nineteen years of age if such individual has a long-lasting
14 and intense pattern of gender nonconformity or gender dysphoria which
15 began or worsened at the start of puberty;

16 (b) Specific criteria, obligations, or conditions regulating the
17 administration, prescribing, delivery, sale, or use of puberty-blocking
18 drugs, cross-sex hormones, or both involving an individual younger than
19 nineteen years of age in accordance with subdivision (1)(a) of this
20 section, which shall, at a minimum, set forth the following:

21 (i) The minimum number of gender-identity-focused therapeutic hours
22 required prior to an individual receiving puberty-blocking drugs, cross-
23 sex hormones, or both;

24 (ii) Patient advisory requirements necessary for a health care
25 practitioner to obtain informed patient consent;

26 (iii) Patient medical record documentation requirements to ensure
27 compliance with the act; and

28 (iv) A minimum waiting period between the time the health care
29 practitioner obtains informed patient consent and the administration,
30 prescribing, or delivery of puberty-blocking drugs, cross-sex hormones,
31 or both to such patient; and

1 (c) Specify that section 71-7304 does not apply to nonsurgical
2 gender-altering procedures when such procedures are provided in
3 compliance with the rules and regulations adopted and promulgated
4 pursuant to this section.

5 (2)(a) Beginning on and after the effective date of this act, a
6 health care practitioner shall not knowingly prescribe for or provide to
7 an individual in this state younger than nineteen years of age cross-sex
8 hormones or puberty-blocking drugs for the purpose of assisting the
9 individual with a gender alteration.

10 (b) A health care practitioner does not violate this subsection if:

11 (i) The cross-sex hormones or puberty-blocking drugs were prescribed
12 for or provided to an individual in this state younger than nineteen
13 years of age to treat the individual's congenital defect, precocious
14 puberty, disease, or physical injury; or

15 (ii) The cross-sex hormones or puberty-blocking drugs were
16 prescribed for or provided to an individual in this state younger than
17 nineteen years of age in compliance with the Let Them Grow Act and the
18 rules and regulations adopted and promulgated pursuant to subsection (1)
19 of this section and such treatment concluded on or before January 1,
20 2027.

21 (c) For purposes of subdivision (2)(b) of this section, disease does
22 not include any gender nonconformity, gender dysphoria, gender identity
23 disorder, or mental condition.

24 (d) The chief medical officer as designated in section 81-3115 shall
25 adopt and promulgate such rules and regulations as necessary to carry out
26 this subsection.

27 (3) ~~(2)~~ The Department of Health and Human Services may adopt and
28 promulgate rules and regulations not inconsistent with the rules and
29 regulations adopted and promulgated by the chief medical officer that are
30 necessary to carry out the Let Them Grow Act.

31 **Sec. 5.** Section 71-7307, Revised Statutes Cumulative Supplement,

1 2024, is amended to read:

2 71-7307 (1) An individual that received a gender-altering procedure
3 in violation of section 71-7304 after October 1, 2023, and while such
4 individual was younger than nineteen years of age, or the parent or
5 guardian of such an individual, may bring a civil action for appropriate
6 relief against the health care practitioner who performed the gender-
7 altering procedure. Appropriate relief in an action under this section
8 includes actual damages and reasonable attorney's fees. An action under
9 this section shall be brought within two years after discovery of
10 damages.

11 (2) If a court in any civil action brought pursuant to this section
12 finds that a health care practitioner knowingly violated section 71-7304,
13 the court shall notify the Attorney General and the Department of Health
14 and Human Services by mailing a certified copy of the court's order to
15 the Attorney General and the department. Notification pursuant to this
16 subsection shall be made upon the judgment of the court being made final.

17 **Sec. 6.** (1) The Attorney General may bring an action against a
18 health care practitioner that knowingly violates the Let Them Grow Act,
19 within twenty years of the violation, to (a) enjoin further violations
20 and (b) recover a civil penalty of twenty-five thousand dollars per
21 violation.

22 (2) Each time a health care practitioner performs a gender-altering
23 procedure, including each instance of prescribing or providing cross-sex
24 hormones and puberty-blocking drugs in violation of the Let Them Grow
25 Act, constitutes a separate violation.

26 (3) Any civil penalties collected pursuant to this section shall be
27 remitted to the State Treasurer for distribution in accordance with
28 Article VII, section 5, of the Constitution of Nebraska.

29 **Sec. 7.** Original sections 71-7301, 71-7303, 71-7304, 71-7305, and
30 71-7307, Revised Statutes Cumulative Supplement, 2024, are repealed.