

SUBJECT: Revising statute of limitations on certain gender-related treatment claims

COMMITTEE: Judiciary & Civil Jurisprudence — committee substitute recommended

VOTE: 5 ayes — Leach, Murr, Schofield, Slawson, Vasut

3 nays — Julie Johnson, Flores, Moody

1 absent — Davis

WITNESSES: For — Jonathan Covey, Texas Values; Soren Aldaco (*Registered, but did not testify*: Michelle Evans, Independent Women's Network; Jill Glover, Republican Party of Texas; Jonathan Saenz, Texas Values; Mary Elizabeth Castle, Texas Values Action; Natalie Ibe; Terri Koen; Fran Rhodes; Calvin Tillman; Al Zito)

Against — Stephanie Perdue, Central Texas Pride Community Center, LGBT-Rex; Ash Hall, The ACLU of Texas; Sophia DeLoretto-Chudy; Andrea Segovia (*Registered, but did not testify*: Ray Sullivan, American Property and Casualty Insurance Association; Natasha Acevedo, Nicholas Ciaccio, Josselyn Molina, Joslynn Sanchez, Hailey Soto, Edith Valle, Deeds Not Words; David Stout, El Paso County; Ricardo Martinez, Jason Guidangen, Equality Texas; Anna Nguyen, PFLAG Austin; Darcy Caballero, Planned Parenthood Texas Votes; Rick Levy, Texas AFLCIO; Eli Melendrez, Texas American Federation of Teachers; George Christian, Texas Civil Justice League; Carisa Lopez, Texas Freedom Network; Joshua Houston, Texas Impact; Mary Beth Kiser, Texas Psychological Association; Cynthia Van Maanen, Travis County Democratic Party; Karen Ramos, UTEP; and 338 individuals

On — Brian Jackson, Texas Alliance for Patient Access (*Registered, but did not testify*: Clayton Stewart, Texas Medical Association; Ashley Prevost)

BACKGROUND: Civil Practice and Remedies Code sec. 74.251(a) establishes that, except for certain claims, no health care liability claim may be commenced

unless the action is filed within two years from the occurrence of the breach or tort or from the date the medical or health care treatment that is the subject of the claim or the hospitalization for which the claim is made is completed; provided that, minors under the age of 12 years shall have until their 14th birthday in which to file, or have filed on their behalf, the claim.

Some have suggested that the statute of limitations for certain gender-related treatment should be extended to provide for individuals who still may be minors when the current two-year statute of limitations expires.

DIGEST:

HB 888 would extend the statute of limitations for a health care liability claim if the basis for the claim was malpractice in the provision of a puberty suppressant or cross-sex hormone to a minor or the performance of surgery or another medical procedure on a minor for the purpose of gender transitioning or gender reassignment. The claimant would have to be a minor at the time the cause of action accrued and would be required to bring such a claim by the claimant's 25th birthday.

The bill would take effect September 1, 2023, and would apply only to a cause of action that accrued on or after that date.