

BILL ANALYSIS

C.S.H.B. 888
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Judiciary & Civil Jurisprudence
Committee Report (Substituted)

BACKGROUND AND PURPOSE

The first nationwide, long-term follow-up study in Sweden of individuals who have undergone sex reassignment, published in *PLOS ONE* in 2011, found an overall higher mortality rate, particularly from suicide, and an increased risk for suicide attempts among these individuals. And, as reported in a 2021 study by Dr. Lisa Littman that was published in *Archives of Sexual Behavior*, many individuals in the study who experienced gender dysphoria, underwent reassignment medications or procedures, then detransitioned believed that they did not receive adequate evaluation by a clinician before transitioning. Under current law, there is a statute of limitations of two years on medical malpractice cases. A child who receives this treatment before adulthood might still be a minor when the statute expires. Due to the life-altering nature of this treatment, patients should have until seven years after reaching adulthood to pursue legal recourse. C.S.H.B. 888 seeks to provide for this by establishing a statute of limitations for a health care liability claim involving certain gender modification drugs and procedures in which the claimant must bring the claim by their 25th birthday.

CRIMINAL JUSTICE IMPACT

It is the committee's opinion that this bill does not expressly create a criminal offense, increase the punishment for an existing criminal offense or category of offenses, or change the eligibility of a person for community supervision, parole, or mandatory supervision.

RULEMAKING AUTHORITY

It is the committee's opinion that this bill does not expressly grant any additional rulemaking authority to a state officer, department, agency, or institution.

ANALYSIS

C.S.H.B. 888 amends the Civil Practice and Remedies Code to establish the statute of limitations for a health care liability claim involving certain gender modification drugs and procedures by requiring a claimant to bring the claim not later than their 25th birthday if the following conditions apply:

- the claimant is a minor at the time the cause of action accrues; and
- the basis for the claim is malpractice in the provision of a puberty suppression prescription drug or cross-sex hormone to or the performance of surgery or another medical procedure on the minor for the purpose of gender transitioning or gender reassignment.

The bill applies only to a cause of action that accrues on or after the bill's effective date.

EFFECTIVE DATE

September 1, 2023.

COMPARISON OF INTRODUCED AND SUBSTITUTE

C.S.H.B. 888 differs from the introduced only by including a Texas Legislative Council draft number in the footer.