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HOUSE BILL NO. 2146

Offered January 13, 2025

Prefiled January 7, 2025

A BILL to amend and reenact § 8.01-243.1 of the Code of Virginia, relating to actions for medical malpractice; minors; gender transition procedures.

Patron—Zehr

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:**1. That § 8.01-243.1 of the Code of Virginia is amended and reenacted as follows:****§ 8.01-243.1. Actions for medical malpractice; minors.**

A. Notwithstanding the provisions of *subsection A of § 8.01-229 A* and except as provided in subsection C of § 8.01-243, any cause of action accruing on or after July 1, 1987, on behalf of a person who was a minor at the time the cause of action accrued for personal injury or death against a health care provider pursuant to Chapter 21.1 (§ 8.01-581.1 et seq.) shall be commenced within two years of the date of the last act or omission giving rise to the cause of action except that if the minor was less than eight years of age at the time of the occurrence of the malpractice, he shall have until his tenth birthday to commence an action. Any minor who is ~~ten~~ 10 years of age or older on or before July 1, 1987, shall have no less than two years from that date within which to commence such an action.

B. Notwithstanding the provisions of *subsection A of § 8.01-229* and except as provided in subsection C of § 8.01-243, any cause of action accruing on or after July 1, 2025, on behalf of a person who was a minor at the time the cause of action accrued for personal injury or death against a health care provider pursuant to Chapter 21.1 (§ 8.01-581.1 et seq.), wherein the act or omission giving rise to such cause of action occurred during a gender transition procedure on such minor, shall be commenced within 20 years of the date of the last act or omission giving rise to such cause of action.

For the purposes of this subsection, "gender transition procedure" means any medical or surgical service, including without limitation physician's services, inpatient and outpatient hospital services, or prescribed drugs related to gender transition, that seeks to:

1. Alter or remove physical or anatomical characteristics or features that are typical for an individual's biological sex; or

2. Instill or create physiological or anatomical characteristics that resemble a sex different from an individual's biological sex, including (i) medical services that provide puberty-blocking drugs, cross-sex hormones, or other mechanisms to promote the development of feminizing or masculinizing features in the opposite biological sex or (ii) genital or nongenital gender reassignment surgery performed for the purpose of assisting an individual with a gender transition.

INTRODUCED

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