

Senate Judiciary Committee

Brendan Bunnell 271-4063

HB 1356-FN, relative to the statute of limitations for bringing a private right of action for violation of the statute prohibiting medical procedures and treatments intended to alter a minor's gender.

Hearing Date: April 2, 2026

Time Opened: 3:18 p.m.

Time Closed: 3:48 p.m.

Members of the Committee Present: Senators Gannon, Abbas, Altschiller and Reardon

Members of the Committee Absent: Senator Carson

Bill Analysis: This bill extends the time period to file a claim for violation of the prohibition on medical procedures intended to change a minor's gender from 2 years to 10 years from the date the minor reaches the age of majority.

Sponsors:

Rep. Wherry

Rep. Kofalt

Rep. Layon

Rep. Mazur

Rep. Peternel

Rep. Potenza

Rep. McGrath

Rep. Ford

Who supports the bill: 21 Individuals signed in support of the bill. For a complete list of those who signed in support please contact the Senate Judiciary Committee Aide.

Who opposes the bill: 140 Individuals signed in opposition of the bill. For a complete list of those who signed in opposition please contact the Senate Judiciary Committee Aide.

Who is neutral on the bill: None.

Summary of the testimony presented:

Representative Robert Wherry introduced the bill and explained that the bill would extend the statute of limitations from 2 years to 10 years for bringing a private right of action when a statute has been violated by administering medical procedures or treatments to alter a minor's gender.

- He argued the extension is necessary based on recent court cases, including *Varian v. Einhorn*, where a plaintiff was awarded damages for inadequate

mental health assessment and informed consent prior to gender-related medical treatment, and another case, *Charles v. Salazar*, involving restrictions on alternative psychological care.

- He stated these cases suggest harms have not been adequately recognized within current legal frameworks. He described concerns about lack of informed consent, citing a long-term study indicating elevated risks of suicide and psychiatric issues following sex reassignment procedures, and argued that patients may not be properly informed of these risks.
- He asserted that some providers follow a single “affirmation-only” model rather than exploring underlying psychological issues such as anxiety or depression. He argued that minors and families may be pressured into these treatments and that individuals may not fully understand the consequences until years later, making a longer statute of limitations necessary to allow them to seek legal recourse.
- He also stated that individuals in New Hampshire have experienced these procedures or related harms and that a longer window would allow them time to recognize and act on those harms.
- Senator Abbas asked whether such procedures are already prohibited in New Hampshire and whether the bill would have any practical effect if they are not currently being performed,
 - Representative Wherry acknowledged that the procedures are prohibited but stated the bill would act as a deterrent and address cases that may have occurred in the past or potentially occur despite the prohibition.
- Senator Altschiller asked whether he had evidence that prohibited procedures are currently occurring in New Hampshire.
 - Rep. Wherry stated he had spoken to individuals who had undergone such procedures in the past but had not spoken to anyone who had done so recently, and added that some individuals may travel out of state for such procedures.
 - Senator Altschiller asked a follow-up question challenging the applicability of the bill given that prior testimony indicated such procedures were not occurring in New Hampshire and that the law would only apply prospectively,
 - Rep. Wherry stated that individuals who detransition have reported difficulties accessing care or support and suggested the bill would provide a mechanism for accountability if such situations arise, even if hypothetical.

Stephen Scaer testified in support, arguing that physicians who perform gender-related medical interventions on minors should be held financially accountable.

- He stated that individuals cannot give informed consent if they are provided false information and questioned the validity of gender identity concepts, urging the committee to consult medical experts.
- He asserted that medical institutions are providing misleading information and that the bill would discourage harm and ensure accountability.

Representative Timothy Horrigan testified in opposition, stating that he also opposed the underlying law passed the previous year.

- He argued that extending the statute of limitations from 2 to 10 years was unnecessary, particularly given that there has been no evidence the existing law has been used.
- He expressed support for transgender rights and stated that while the issue affects a small number of people, it is extremely important to those individuals.
- He suggested the issue has been used as a distraction and argued the bill should not have advanced, urging the committee not to spend time on it. No questions were asked.

Simon Amaya Price testified in support, identifying himself as a detransitioner and stating he has worked with others who have had similar experiences.

- He described stories of harm and medical malpractice and argued that it can take many years for individuals to understand the extent of harm they have experienced.
- He responded to arguments about lack of necessity by comparing it to laws against murder, suggesting laws can serve as deterrents even if violations are rare.
- He cited surveys indicating that transgender identification can persist for 7 to 10 years, placing individuals outside current statutes of limitations, and argued that treatments may be rushed or improperly diagnosed, making it difficult for individuals to connect harm to prior care.
- He urged passage of the bill to allow affected individuals to seek justice.
- Senator Altschiller asked whether his personal experience occurred in New Hampshire.

- o Price stated that it occurred in Massachusetts.

Claire Abernathy testified in support, identifying herself as a detransitioner and describing undergoing hormone treatment and surgery as a minor.

- She stated she has experienced severe and irreversible harm and did not fully understand the consequences at the time decisions were made.
- She explained that understanding of harm can take many years to develop and that current statutes of limitations do not account for that timeline.
- She referenced cases in other states where providers allegedly continued such treatments despite legal prohibitions and argued that extending the statute of limitations would provide recourse for individuals harmed by such practices.
- She urged passage of the bill so individuals could have an opportunity to pursue legal action. No questions were asked.

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Date Hearing Report completed: April 6, 2026