

IN THE HOUSE OF REPRESENTATIVES

HOUSE BILL NO. 822

BY WAYS AND MEANS COMMITTEE

AN ACT

1 RELATING TO THE PEDIATRIC SECRETIVE TRANSITIONS PARENTAL RIGHTS ACT; AMEND-  
2 ING CHAPTER 10, TITLE 32, IDAHO CODE, BY THE ADDITION OF A NEW SECTION  
3 32-1016, IDAHO CODE, TO PROVIDE A SHORT TITLE, TO PROVIDE LEGISLATIVE  
4 FINDINGS AND INTENT, TO DEFINE TERMS, TO ESTABLISH PROVISIONS REGARDING  
5 CERTAIN PROHIBITED ACTS, TO PROVIDE FOR CIVIL ACTIONS, AND TO PROVIDE  
6 FOR ATTORNEY GENERAL ENFORCEMENT; PROVIDING SEVERABILITY; AND DECLAR-  
7 ING AN EMERGENCY AND PROVIDING AN EFFECTIVE DATE.  
8

9 Be It Enacted by the Legislature of the State of Idaho:

10 SECTION 1. That Chapter 10, Title 32, Idaho Code, be, and the same is  
11 hereby amended by the addition thereto of a NEW SECTION, to be known and des-  
12 ignated as Section 32-1016, Idaho Code, and to read as follows:

13 32-1016. PEDIATRIC SECRETIVE TRANSITIONS PARENTAL RIGHTS ACT. (1)  
14 This section shall be known and may be cited as the "Pediatric Secretive  
15 Transitions Parental Rights Act."

16 (2) The legislature finds that:

17 (a) Parents have a fundamental right to raise their children and make  
18 medical and educational decisions on their behalf;

19 (b) Medical and social sex transitions can inflict severe and irre-  
20 versible harm to a child's well-being; and

21 (c) It is undoubtedly a parental purview and prerogative to have knowl-  
22 edge of, and the authority to deny, a child's efforts at sex transition  
23 procedures or social transitions.

24 (3) It is the intent of the legislature to prohibit any health care  
25 provider or educational institution from facilitating a pediatric sex  
26 transition or social transition without informing and obtaining informed  
27 consent from a minor child's parents or guardians.

28 (4) As used in this section:

29 (a) "Aggrieved person" means the parent or guardian of a child sub-  
30 jected to sex transition procedures or social transitions.

31 (b) "Child" means an individual who is less than eighteen (18) years of  
32 age and who is not married or legally emancipated.

33 (c) "Covered entity" means a primary or secondary educational institu-  
34 tion, a child care provider, or a medical, behavioral, or mental health  
35 care provider.

36 (d) "Sex transition procedure" means a practice prohibited pursuant to  
37 section 18-1506C, Idaho Code.

38 (e) "Social transition" means the process by which an individual goes  
39 from identifying with and living as a gender that corresponds to the  
40 individual's sex to identifying with and living as a gender different  
41 from the individual's sex and may involve social, legal, or physical

1 changes, including adopting a name, pronouns, appearance, or dress that  
2 does not correspond to the individual's sex.

3 (5) A covered entity shall not withhold information from a child's par-  
4 ent or guardian related to the parent's child's expressed interest in or de-  
5 sire for sex transition procedures.

6 (6) A covered entity shall notify a minor student's parent within sev-  
7 enty-two (72) hours of receiving any request by the minor student to partic-  
8 ipate in or facilitate the social transition of the minor student, including  
9 any request by the minor student to:

10 (a) Be referred to by pronouns or titles that do not correspond to the  
11 minor student's biological sex;

12 (b) Be referred to using names other than the minor student's legal  
13 name, or a nickname or derivative thereof, either in school records or  
14 otherwise;

15 (c) Use restrooms, locker rooms, changing rooms, or overnight lodging  
16 designated for the opposite biological sex; or

17 (d) Participate on an athletic team or any other sex-separated school  
18 activity designated for the opposite sex.

19 (7) A covered entity shall not aid or abet a child's efforts to socially  
20 transition without first obtaining written consent from the child's parent.

21 (8) A covered entity shall not aid or abet a child's efforts to obtain  
22 sex transition procedures.

23 (9) An aggrieved person may commence an action at law or equity in a  
24 court of competent jurisdiction against a covered entity for violations of  
25 this section.

26 (10) If an aggrieved person proves that a covered entity violated the  
27 provisions of this section, such aggrieved person is entitled to recover:

28 (a) Declaratory relief;

29 (b) Injunctive relief;

30 (c) Compensatory damages; and

31 (d) Reasonable costs and attorney's fees as allowed by statute or court  
32 rule.

33 (11) The attorney general shall have the authority to investigate alle-  
34 gations of violations of this section.

35 (12) In addition to any relief granted to aggrieved persons under a  
36 civil action, the attorney general may seek, and a court may award, civil  
37 penalties of up to one hundred thousand dollars (\$100,000) against a covered  
38 entity for violation of this section. Such civil penalties shall be propor-  
39 tionate to the violation as determined by the court based on the facts and  
40 circumstances of the violation, including the seriousness of the violation,  
41 the state of mind of the violator, and the damages actually caused by the  
42 violation of this section. Penalties awarded pursuant to this section shall  
43 be deposited in the state general fund.

44 (13) The attorney general may refer a covered entity that has violated  
45 this section to any licensing board that has issued a professional license to  
46 the covered entity. A licensing board is authorized to discipline a covered  
47 entity that has been referred to it pursuant to this subsection in a manner  
48 that it deems appropriate for a violation of this section.

49 (14) The attorney general may file suit for a writ of mandamus com-  
50 pelling covered entities to comply with the provisions of this section.

1           (15) Nothing in this section shall be construed to conflict with the ap-  
2           plication or enforcement of section 18-1506C, Idaho Code.

3           SECTION 2. SEVERABILITY. The provisions of this act are hereby declared  
4           to be severable and if any provision of this act or the application of such  
5           provision to any person or circumstance is declared invalid for any reason,  
6           such declaration shall not affect the validity of the remaining portions of  
7           this act.

8           SECTION 3. An emergency existing therefor, which emergency is hereby  
9           declared to exist, this act shall be in full force and effect on and after  
10          July 1, 2026.