

1 State of Arkansas
2 95th General Assembly
3 Regular Session, 2025
4

A Bill

HOUSE BILL 1668

5 By: Representative Bentley
6 By: Senator A. Clark
7

For An Act To Be Entitled

9 AN ACT TO CREATE THE VULNERABLE YOUTH PROTECTION ACT;
10 TO AUTHORIZE A CIVIL ACTION FOR SOCIAL TRANSITIONING
11 AND CASTRATION, STERILIZATION, OR MUTILATION OF A
12 MINOR; AND FOR OTHER PURPOSES.
13
14

Subtitle

15 TO CREATE THE VULNERABLE YOUTH
16 PROTECTION ACT; AND TO AUTHORIZE A CIVIL
17 ACTION FOR SOCIAL TRANSITIONING AND
18 CASTRATION, STERILIZATION, OR MUTILATION
19 OF A MINOR.
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
23

24 SECTION 1. Arkansas Code Title 16, is amended to add an additional
25 chapter to read as follows:

26 CHAPTER 132

27 VULNERABLE YOUTH PROTECTION ACT
28

29 16-132-101. Title.

30 This chapter shall be known and may be cited as the "Vulnerable Youth
31 Protection Act".
32

33 16-132-102. Definitions.

34 As used in this chapter:

35 (1)(A) "Castration, sterilization, or mutilation" means any of
36 the following procedures or treatments regardless of who performs or provides



1 those procedures or treatments:

2 (i) A surgery that sterilizes the child, including:

3 (a) Castration;

4 (b) Vasectomy;

5 (c) Hysterectomy;

6 (d) Oophorectomy;

7 (e) Metoidioplasty;

8 (f) Orchiectomy;

9 (g) Penectomy;

10 (h) Phalloplasty; and

11 (i) Vaginoplasty;

12 (ii) A mastectomy;

13 (iii) The provision, prescription, administration,
 14 or dispensing any of the following prescription drugs that induce transient
 15 or permanent infertility:

16 (a) Puberty suppression or blocking
 17 prescription drugs to stop or delay normal puberty;

18 (b) Supraphysiologic doses of testosterone to
 19 females; or

20 (c) Supraphysiologic doses of estrogen to
 21 males; or

22 (iv) Remove any otherwise healthy or non-diseased
 23 body part or tissue.

24 (B) "Castration, sterilization, or mutilation" does not
 25 include any of the following procedures or treatments:

26 (i) Puberty suppression or blocking prescription
 27 drugs for the purpose of normalizing puberty for a minor experiencing
 28 precocious puberty;

29 (ii) Appropriate and medically necessary procedures
 30 or treatments to a child who:

31 (a) Is born with a medically verifiable
 32 genetic disorder of sex development, including:

33 (1) 46, XX chromosomes with
 34 virilization;

35 (2) 46, XY chromosomes with
 36 undervirilization; or

1 intergovernmental immunity.

2

3 16-132-104. Recovery.

4 A person who prevails in a suit brought under this chapter may recover:

5 (1) Nominal damages;

6 (2) Compensatory damages;

7 (3) Statutory damages in an amount of not less than ten thousand
 8 dollars (\$10,000) from each defendant, in addition to any compensatory
 9 damages that may be awarded;

10 (4) Punitive damages in an amount of not less than ten million
 11 dollars (\$10,000,000) from each defendant if irreversible sterilization or
 12 sexual dysfunction results, in addition to any compensatory damages that may
 13 be awarded; and

14 (5) Court costs and reasonable attorney's fees.

15

16 16-132-105. Affirmative defenses.

17 It is an affirmative defense under this chapter that:

18 (1) The imposition of liability on the defendant will violate
 19 constitutional or federally protected rights that belong to the defendant
 20 personally; or

21 (2) The defendant:

22 (A) Has standing to assert the rights of a third party
 23 under the tests for third-party standing established by the United States
 24 Supreme Court; and

25 (B) Demonstrates that the imposition of liability on the
 26 defendant will violate constitutional or federally protected rights belonging
 27 to the third party.

28

29 16-132-106. Void defenses.

30 Notwithstanding any other law, the following are not a defense to an
 31 action brought under this chapter:

32 (1) Ignorance or mistake of law;

33 (2) A defendant's belief that the requirements or provisions of
 34 this chapter are unconstitutional or were unconstitutional;

35 (3) A defendant's reliance on any court decision that has been
 36 vacated, reversed, or overruled on appeal or by a subsequent court, even if

1 that court decision had not been vacated, reversed, or overruled when the
2 conduct occurred;

3 (4) A defendant's reliance on any state or federal court
4 decision that is not binding on the court in which the action has been
5 brought;

6 (5) A defendant's reliance on any federal statute, agency rule
7 or action, or treaty that has been repealed, superseded, or declared invalid
8 or unconstitutional, even if that federal statute, agency rule or action, or
9 treaty had not been repealed, superseded, or declared invalid or
10 unconstitutional when the conduct occurred;

11 (6) A nonmutual issue preclusion or nonmutual claim preclusion;

12 (7) The consent of the plaintiff to the defendant's conduct;

13 (8) Contributory or comparative negligence;

14 (9) Assumption of risk;

15 (10) Lack of but-for or proximate causation;

16 (11) Sovereign immunity, governmental immunity, official
17 immunity, or qualified immunity;

18 (12) The plaintiff's waiver or purported waiver of his or her
19 right to sue under this chapter;

20 (13) The plaintiff's failure to exhaust administrative remedies;

21 or

22 (14) A claim that the enforcement of this chapter or the
23 imposition of civil liability against the defendant will violate the
24 constitutional rights of third parties, except as provided under §16-132-
25 103(a)(2).

26
27 16-132-107. Enforcement as private civil action.

28 (a) This chapter shall be enforced exclusively through a private civil
29 action.

30 (b) The state, a political subdivision of the state, a district or
31 county attorney, or any officer or employee of this state or a political
32 subdivision shall not:

33 (1) Take or threaten direct or indirect enforcement of this
34 chapter against any person or entity;

35 (2) Use the conduct described under § 16-132-103 to justify or
36 trigger the enforcement of any other law or any type of adverse consequence

1 under any other law, except through a private civil action;

2 (3) Act in concert or participate with anyone who brings suit
 3 under this chapter;

4 (4) Establish or attempt to establish any type of agency or
 5 fiduciary relationship with a person who brings suit under this chapter;

6 (5) Make any attempt to control or influence a person's decision
 7 to bring suit under this chapter or the person's conduct of the litigation;
 8 or

9 (6)(A) Intervene in any action brought under this chapter.

10 (B) Subdivision (b)(6)(A) of this section does not
 11 prohibit the state, a political subdivision of the state, a district or
 12 county attorney, or any officer or employee of this state or a political
 13 subdivision from filing an amicus curiae brief in the action if the state, a
 14 political subdivision of the state, a district or county attorney, or any
 15 officer or employee of this state or a political subdivision does not act in
 16 concert or participate with the plaintiff.

17 (c) This section does not preclude or limit the enforcement of any
 18 other law or rule that independently regulates he same conduct as described
 19 in § 16-132-103.

20 (d) A private civil action brought under this subchapter is subject to
 21 the Citizen Participation in Government Act, § 16-63-501 et seq., or the
 22 Religious Freedom Restoration Act, § 16-123-401 et seq.

23
 24 16-132-108. Immunity.

25 (a) Except as provided in subsection (b) of this section, in any
 26 action, claim, counterclaim, or any type of legal or equitable action that
 27 challenges the validity or enforceability of any provision or application of
 28 this subchapter, on constitutional grounds or otherwise, or that seeks to
 29 prevent or enjoin the state, its political subdivisions, or any officer,
 30 employee, or agent of this state or a political subdivision from enforcing
 31 any provision or application of this chapter, or from hearing, adjudicating,
 32 or docketing a civil action brought under this chapter:

33 (1) The state and each of its officers and employees shall have
 34 sovereign immunity;

35 (2) The political subdivisions of the state and each of their
 36 officers and employees shall have governmental immunity; and

1 (3) Each officer and employee of this state or a political
2 subdivision shall have qualified immunity.

3 (b) The immunity provided under subsection (a) of this section may be
4 abrogated or preempted by federal law in a manner consistent with the United
5 States Constitution.

6 (c) The immunity provided under subsection (a) of this section shall
7 apply in every court, both state and federal, and in every adjudicative
8 proceeding of any type whatsoever.

9 (d) State law shall not waive or abrogate an immunity provided under
10 subsection (a) of this section unless the state law expressly waives or
11 abrogates immunity with specific reference to this section.

12 (e) An attorney representing the state, its political subdivisions, or
13 any officer, employee, or agent of this state or a political subdivision
14 shall not:

15 (1) Waive an immunity provided under subsection (a) of this
16 section; or

17 (2)(A) Take any action that would result in a waiver of the
18 immunity provided under subsection (a) of this section.

19 (B) Any action or purported waiver shall be regarded as a
20 legal nullity and an ultra vires act.

21
22 16-132-109. Applicability.

23 (a)(1) This chapter applies to any treatment for social transitioning
24 of a minor or the castration, sterilization, or mutilation of a minor
25 provided to a resident or minor of this state, regardless of where that
26 treatment occurred, and to any civil action brought under this chapter.

27 (2) Any contractual choice-of-law provision that purports to
28 require the law of a different jurisdiction to apply shall be void as against
29 public policy and shall not be enforced in this state.

30 (b) This chapter shall apply extraterritorially to the maximum extent
31 permitted by the United States Constitution and the Arkansas Constitution.

32 (c) This chapter does not limit or preclude a defendant from asserting
33 the unconstitutionality of any provision or application of state law as a
34 defense to liability under this chapter or from asserting any other defense
35 that might be available under any other source of law.

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1 SECTION 2. DO NOT CODIFY. SEVERABILITY CLAUSE. If any provision of
2 this act or the application of this act to any person or circumstance is held
3 invalid, the invalidity shall not affect other provisions or applications of
4 this act which can be given effect without the invalid provision or
5 application, and to this end, the provisions of this act are declared
6 severable.

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