

1 TO THE HONORABLE SENATE:

2 The Committee on Judiciary to which was referred House Bill No. 89  
3 entitled “An act relating to civil and criminal procedures concerning legally  
4 protected health care activity” respectfully reports that it has considered the  
5 same and recommends that the Senate propose to the House that the bill be  
6 amended as follows:

7 First: In Sec. 1, 1 V.S.A. § 150, by striking out subsections (a)–(c) in their  
8 entirety and inserting in lieu thereof new subsections (a)–(c) to read as  
9 follows:

10 (a) “Gender-affirming health care services” means all supplies, care, and  
11 services of a medical, behavioral health, mental health, surgical, psychiatric,  
12 therapeutic, diagnostic, preventative, rehabilitative, or supportive nature,  
13 including medication, relating to the treatment of gender dysphoria and gender  
14 incongruence. “Gender-affirming health care services” does not include  
15 conversion therapy as defined by 18 V.S.A. § 8351.

16 (b)(1) “Legally protected health care activity” means:

17 (A) the exercise and enjoyment, or attempted exercise and  
18 enjoyment, by any person of rights to reproductive health care services or  
19 gender-affirming health care services secured by this State;

20 (B) any act or omission undertaken to aid or encourage, or attempt to  
21 aid or encourage, any person in the exercise and enjoyment, or attempted

1 exercise and enjoyment, of rights to reproductive health care services or  
2 gender-affirming health care services secured by this State, provided that the  
3 provision of such a health care service by a person duly licensed under the  
4 laws of this State and physically present in this State shall be legally protected  
5 if the service is permitted under the laws of this State, regardless of the  
6 patient’s location; or

7 (C) the provision, issuance, or use of, or enrollment in, insurance or  
8 other health coverage for reproductive health care services or gender-affirming  
9 health care services that are legal in this State, or any act to aid or encourage,  
10 or attempt to aid or encourage, any person in the provision, issuance, or use of,  
11 or enrollment in, insurance or other health coverage for those services,  
12 regardless of the location of the insured or individual seeking insurance or  
13 health coverage, if the insurance or health coverage is permitted under the laws  
14 of this State.

15 (2) Except as provided in subdivision (3) of this subsection, the  
16 protections applicable to “legally protected health care activity” shall not apply  
17 to a lawsuit; judgment; or civil, criminal, or administrative action that is based  
18 on conduct for which an action would exist under the laws of this State if the  
19 course of conduct that forms the basis for liability had occurred entirely in this  
20 State.



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2 (Committee vote: \_\_\_\_\_)

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Senator \_\_\_\_\_

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FOR THE COMMITTEE