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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	entireties 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.

1	(3) Notwithstanding subdivision (2) of this subsection, the provision of a
2	health care service by a person duly licensed under the laws of this State and
3	physically present in this State shall be legally protected if the service is
4	permitted under the laws of this State, regardless of the patient's location or
5	whether the health care provider is licensed in the state where the patient is
6	located at the time the service is rendered.
7	(c) "Reproductive health care services" means all supplies, care, and
8	services of a medical, behavioral health, mental health, surgical, psychiatric,
9	therapeutic, diagnostic, preventative, rehabilitative, or supportive nature,
10	including medication, relating to pregnancy, contraception, assisted
11	reproduction, pregnancy loss management, or the termination of a pregnancy.
12	Second: By striking out Sec. 9, effective dates, and its reader assistance
13	heading in their entireties and inserting in lieu thereof the following:
14	* * * Effective Dates * * *
15	Sec. 9. EFFECTIVE DATE
16	This act shall take effect on passage.
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(Draft No. 1.1 – H.89)

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5 FOR THE COMMITTEE

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