

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) and  
8 inserting new subsections (a)-(c) to read as follows:

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

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

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

19 (B) any act or omission undertaken to aid or encourage, or attempt to  
20 aid or encourage, any person in the exercise and enjoyment, or attempted  
21 exercise and enjoyment, of rights to reproductive health care services or

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

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

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

20 (3) Notwithstanding subdivision (2) of this subsection, the provision of a  
21 health care service by a person duly licensed under the laws of this State and

1 physically present in this State shall be legally protected if the service is  
2 permitted under the laws of this State, regardless of the patient’s location or  
3 whether the health care provider is licensed in the state where the patient is  
4 located at the time the service is rendered.

5 (c) “Reproductive health care services” means all supplies, care, and  
6 services of a medical, behavioral health, mental health, surgical, psychiatric,  
7 therapeutic, diagnostic, preventative, rehabilitative, or supportive nature,  
8 including medication, relating to pregnancy, contraception, assisted  
9 reproduction, pregnancy loss management, or the termination of a pregnancy.

10 Second: By striking Sec. 9 in its entirety and inserting in lieu thereof the  
11 following:

12 Sec. 9. EFFECTIVE DATE

13 This act shall take effect on passage.

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20 (Committee vote: \_\_\_\_\_)

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Senator \_\_\_\_\_

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FOR THE COMMITTEE