

SENATE BILL NO. 302—SENATORS OHRENSCHALL, SCHEIBLE,
SPEARMAN, D. HARRIS, FLORES; NEAL, NGUYEN AND PAZINA

MARCH 16, 2023

Referred to Committee on Commerce and Labor

SUMMARY—Revises provisions relating to health care.
(BDR 54-55)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: Yes.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to health care; prohibiting health care licensing boards from taking certain action against a provider of health care or certain other persons for providing or assisting in the provision of gender-affirming health care services; prohibiting the Governor from surrendering, or issuing an arrest warrant for, a person who is charged in another state with a criminal violation related to gender-affirming health care services; prohibiting state agencies, local governments and members of the judiciary from assisting in certain investigations and proceedings initiated in other states related to gender-affirming health care services; requiring certain health care licensing boards to examine the feasibility of reciprocal licensure for health care providers who provide gender-affirming health care services in other states; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

- 1 Existing law regulates the licensing, certification and registration of various
- 2 providers of health care in this State. (Chapters 630-637B and 639-641D of NRS)
- 3 **Section 1** of this bill prohibits a health care licensing board from: (1) taking any
- 4 disciplinary action or other adverse action against a provider of health care; or (2)
- 5 disqualifying or taking other adverse action against an otherwise qualified person
- 6 who submits an application to the health care licensing board for certification,
- 7 registration or licensure because he or she provided or assisted in providing legally
- 8 protected gender-affirming health care services or was subject to civil action,
- 9 criminal action or disciplinary action in another state for providing or assisting in



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the provision of legally protected gender-affirming health care services if the legally protected gender-affirming health care services as provided would have been lawful and consistent with standards for the practice of the relevant profession in this State. **Section 4** of this bill requires each health care licensing board that licenses providers of health care who provide gender-affirming health care services to examine the feasibility of providing reciprocal licensing to providers of health care in other states to facilitate the provision of gender-affirming health care services to persons from other states who seek such services in this State.

In accordance with the Extradition Clause of Section 2 of Article IV of the United States Constitution, existing state law provides that it is the duty of the Governor to have arrested and delivered up to the executive authority of any other state any person charged in that state with treason, felony or other crime, who has fled from justice and is found in this State. (NRS 179.181) Under existing law, the Governor is also authorized, but not required, to surrender, on demand of the executive authority of any other state, any person in this State charged in the other state with committing an act in this State, or in a third state, intentionally resulting in a crime in the state whose executive authority is making the demand, even though the accused was not in that state at the time of the commission of the crime, and has not thereafter fled from that state. (NRS 179.189) **Section 2** of this bill prohibits the Governor from surrendering, or issuing a warrant of arrest for, a person in this State who is charged in another state with a criminal violation of the laws of that other state if the violation involves the provision or receipt of or assistance with gender-affirming health care services, unless the acts forming the basis of the prosecution of the crime would also constitute a criminal offense under the laws of this State. **Section 2** excludes from that prohibition circumstances in which the executive authority of another state demands the surrender of a person who was physically present in the demanding state at the time of the commission of the alleged offense and thereafter fled from that state.

Section 3 of this bill prohibits state agencies in the Executive Department of the State Government, local governments and members of the judiciary from providing information or expending or using time, money, facilities, property, equipment, personnel or other resources of the State, local government or judiciary, as applicable, in furtherance of an investigation or proceeding initiated in or by another state related to the provision, securing or receiving of or any inquiry concerning gender-affirming health care services, except under certain limited circumstances.

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Chapter 629 of NRS is hereby amended by adding thereto a new section to read as follows:

1. A health care licensing board shall not take any disciplinary or other adverse action against any provider of health care or disqualify or take any other adverse action against an otherwise qualified person who submits to the health care licensing board an application for certification, registration or licensure solely:

(a) For providing or assisting in the treatment of legally protected gender-affirming health care services; or



(b) As a consequence of any civil action, criminal action or disciplinary action by an equivalent health care licensing board of the District of Columbia or any state or territory of the United States based on the provider of health care or person providing or assisting in the treatment of legally protected gender-affirming health care services,

↳ if the gender-affirming health care services as provided would have been lawful and consistent with standards for the practice of the relevant profession in this State.

2. As used in this section:

(a) "Gender-affirming health care services":

(1) Means any medical, surgical, behavioral health, mental health, psychiatric, therapeutic, diagnostic, preventative, supportive or rehabilitative services, supplies and care that relate to the treatment of gender dysphoria, and are found by a competent medical professional to be appropriate based upon the wishes of a patient and in accordance with the laws of this State, including, without limitation:

(I) Interventions to suppress the development of endogenous secondary sex characteristics;

(II) Interventions to align the appearance or physical body of the patient with the gender identity or expression of the patient;

(III) Interventions to alleviate symptoms of clinically significant distress resulting from gender dysphoria, as defined in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association; and

(IV) Developmentally appropriate exploration and integration of identity, reduction of distress, adaptive coping and strategies to increase family acceptance.

(2) Does not include conversion therapy, as defined in NRS 629.600.

(b) "Health care licensing board" means:

(1) A board created pursuant to chapter 630, 630A, 631, 632, 633, 634, 634A, 635, 636, 637, 637B, 639, 640, 640A, 640B, 640C, 640D, 640E, 641, 641A, 641B, 641C or 641D of NRS.

(2) The Division of Public and Behavioral Health of the Department of Health and Human Services.

(c) "Provider of health care" has the meaning ascribed to it in NRS 629.031 and includes a pharmacy.

Sec. 2. Chapter 179 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Notwithstanding the provisions of NRS 179.177 to 179.235, inclusive, the Governor shall not surrender, or issue a warrant



pursuant to NRS 179.191 for the arrest of, any person in this State who is charged in another state with a criminal violation of the laws of that other state if the violation alleged involves the provision or receipt of or assistance with gender-affirming health care services, unless the acts forming the basis of the prosecution of the crime charged would constitute a criminal offense under the laws of the State of Nevada.

2. The provisions of this section do not apply in the circumstance where a demand for the extradition of a person charged with a crime in another state is made in accordance with NRS 179.183, and the person who is the subject of the demand was physically present in the demanding state at the time of the commission of the alleged offense and thereafter fled from that state.

3. As used in this section:

(a) “Gender-affirming health care services”:

(1) Means any medical, surgical, behavioral health, mental health, psychiatric, therapeutic, diagnostic, preventative, supportive or rehabilitative services, supplies and care that relate to the treatment of gender dysphoria, and are found by a competent medical professional to be appropriate based upon the wishes of a patient and in accordance with the laws of this State, including, without limitation:

(I) Interventions to suppress the development of endogenous secondary sex characteristics;

(II) Interventions to align the appearance or physical body of the patient with the gender identity or expression of the patient;

(III) Interventions to alleviate symptoms of clinically significant distress resulting from gender dysphoria, as defined in the most recent edition of the Diagnostic and Statistical Manual of Mental Disorders published by the American Psychiatric Association; and

(IV) Developmentally appropriate exploration and integration of identity, reduction of distress, adaptive coping and strategies to increase family acceptance.

(2) Does not include conversion therapy, as defined in NRS 629.600.

(b) The words and terms defined in NRS 179.179 have the meanings ascribed to them in that section.

Sec. 3. Chapter 232 of NRS is hereby amended by adding thereto a new section to read as follows:

1. Except as required by the order of a court of competent jurisdiction, a state agency, a local government or a member of the judiciary shall not provide any information or expend or use time,



1 money, facilities, property, equipment, personnel or other
2 resources of the State, local government or judiciary in
3 furtherance of any investigation or proceeding initiated in or by
4 another state that seeks to impose civil or criminal liability or
5 professional sanction upon a person or entity for:

6 (a) The provision, securing or receiving of, or any inquiry
7 concerning, gender-affirming health care services that are legal in
8 this State; or

9 (b) Any assistance given to any person or entity that relates to
10 the provision, securing or receiving of, or any inquiry concerning,
11 gender-affirming health care services that are legal in this State.

12 2. The provisions of subsection 1 do not apply to any
13 investigation or proceeding where the conduct that is subject to
14 potential liability under the investigation or proceeding initiated in
15 or by the other state would be subject to civil or criminal liability
16 or professional sanction under the laws of the State of Nevada, if
17 committed in this State.

18 3. Notwithstanding the provisions of this section, a state
19 agency, local government, member of the judiciary or an
20 employee, appointee, officer or other person acting on behalf of a
21 state agency, local government or member of the judiciary may
22 provide information or assistance in connection with such an
23 investigation or proceeding in response to a written request by the
24 person who is the subject of the investigation or proceeding.

25 4. As used in this section:

26 (a) “Gender-affirming health care services”:

27 (1) Means any medical, surgical, behavioral health, mental
28 health, psychiatric, therapeutic, diagnostic, preventative,
29 supportive or rehabilitative services, supplies and care that relate
30 to the treatment of gender dysphoria, and are found by a
31 competent medical professional to be appropriate based upon the
32 wishes of a patient and in accordance with the laws of this State,
33 including, without limitation:

34 (I) Interventions to suppress the development of
35 endogenous secondary sex characteristics;

36 (II) Interventions to align the appearance or physical
37 body of the patient with the gender identity or expression of the
38 patient;

39 (III) Interventions to alleviate symptoms of clinically
40 significant distress resulting from gender dysphoria, as defined in
41 the most recent edition of the Diagnostic and Statistical Manual of
42 Mental Disorders published by the American Psychiatric
43 Association; and



(IV) *Developmentally appropriate exploration and integration of identity, reduction of distress, adaptive coping and strategies to increase family acceptance.*

(2) *Does not include conversion therapy, as defined in NRS 629.600.*

(b) *“Local government” has the meaning ascribed to it in NRS 354.474.*

(c) *“State agency” means an agency, bureau, board, commission, department, division, officer, employee, appointee or agent or any other unit of the Executive Department of the State Government.*

Sec. 4. 1. Each health care licensing board that licenses providers of health care who provide gender-affirming health care services shall examine the feasibility of providing opportunities for reciprocity of licensure to providers of health care who provide gender-affirming health care services in other states to facilitate the provision of quality gender-affirming health care services to persons from other states who seek gender-affirming health care services in this State.

2. As used in this section:

(a) “Gender-affirming health care services” has the meaning ascribed to it in section 1 of this act.

(b) “Health care licensing board” has the meaning ascribed to it in section 1 of this act.

(c) “Provider of health care” has the meaning ascribed to it in section 1 of this act.

Sec. 5. This act becomes effective upon passage and approval.

