



## SB 302: SHIELD LAW FOR GENDER AFFIRMING CARE

Policy Brief

**IN BRIEF** Senate Bill 302 addresses the need for licensed health care practitioners to be able to provide gender affirming care in Nevada if they are from another state. Furthermore, the bill would allow health care providers to provide gender-affirming care without a health care licensing board disqualifying or disciplining them for providing or assisting with gender-affirming services. Health care providers who are licensed to practice in a state that has a ban on gender affirming services and who are also licensed in Nevada may provide gender affirming services in accordance with Nevada law and not have another state, territory, or the District of Columbia place a judgment, discipline, or threaten or sanction them for providing or assisting with gender affirming services in Nevada. This would also include the provision of telemedicine.

Moreover, SB 302 would not allow the Governor of Nevada to surrender or issue a warrant for the arrest of anyone in Nevada who is charged in another state with a criminal violation of the laws of that state. Under the SB 302, a state agency in Nevada would not be allowed to provide any information or spend time, money, facilities, property, equipment, personnel, or other resources of the state of Nevada to further the investigation or proceedings initiated in another state regarding gender-affirming services. SB 302 does not allow for criminal or other misconduct in another state that is also criminal or disallowed in Nevada to be shielded from prosecution or discipline.

Gender-affirming health care services are defined as 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 Nevada. It should be noted that gender affirming care for young people includes reversable social affirmation and puberty blockers, and partially reversible hormone therapy.<sup>1</sup> Gender affirming surgeries are typically used in adult cases, and on a case-by-case basis for adolescence.<sup>2</sup>

**THE ISSUES:** Across the nation, more than 21 state legislatures have enacted laws that ban Americans from accessing lifesaving gender-affirming health care. Five states have a ban that makes it a felony crime to provide best practice medical care for transgender youth; thereby criminalizing health care and placing providers at risk of losing their license and careers.<sup>3</sup> Another 21 states are enacting laws to shield providers and families from other states from prosecution. As a result, many families of young people who identify as transgender, and transgender adults, are seeking gender affirming care services outside of states in which they live. Some states are enacting laws to prevent gender affirming care for adults as well. Through SB 302 Nevada would become a state that would shield a provider from prosecution and/or discipline in another state for providing gender affirming services. Moreover, SB 302 will provide protection for health care providers and be a stopgap for the health care provider shortage in Nevada. Providers of gender affirming care also provide other services that are not related to gender affirming health care; therefore, if these gender affirming healthcare providers leave the state of Nevada because they are not protected they will be taking along with the other areas of expertise and services.

---

<sup>1</sup> <https://opa.hhs.gov/sites/default/files/2022-03/gender-affirming-care-young-people-march-2022.pdf>

<sup>2</sup> *ibid*

<sup>3</sup> [https://www.lgbtmap.org/equality-maps/healthcare\\_youth\\_medical\\_care\\_bans](https://www.lgbtmap.org/equality-maps/healthcare_youth_medical_care_bans)

**THE SOLUTION:** SB 302 would allow providers of best practice lifesaving gender affirming health care to do their job of serving patients without fear of overreach by governments in other states that have criminalized the provision of health care. Moreover, SB 302 would respect one's personal freedoms, individual liberty, and constitutional right to decide what's medically right and afforded to them and their family. Additionally, SB 302 would allow health care providers to practice in the state of Nevada without fear of retribution by also adding to the shortage of health care providers<sup>4</sup>. Every major medical and mental health organization recognizes gender-affirming care and services as medically necessary.<sup>5</sup>

**BACKGROUND:** Other states that have enacted shield laws for gender affirming care include California, Colorado, Connecticut, Delaware, Illinois, Massachusetts, Maryland, Minnesota, and Vermont.

**SUPPORT:** Senators Orenschall, Scheible, Spearman, Harris, Flores, Neal, Nguyen, and Pazina.

---

<sup>4</sup> <https://thenevadaindependent.com/article/nevada-needs-more-nurses-and-more-physicians-but-what-will-it-take-to-make-it-happen>

<sup>5</sup> <https://transhealthproject.org/resources/medical-organization-statements/>