

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.

~

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 disqualifying from licensure or disciplining a person for providing or assisting in the provision of services for gender-affirming 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 services; prohibiting state agencies from assisting in certain investigations and proceedings initiated in other states related to gender-affirming services; requiring certain health care licensing boards to examine the feasibility of reciprocal licensure for health care providers who provide gender-affirming 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 disqualifying a
4 person from licensure or subjecting a person to discipline because he or she
5 provided or assisted in providing gender-affirming services or was subject to
6 judgment, discipline or other sanction in another state for providing or assisting in
7 the provision of gender-affirming services if the gender-affirming services as
8 provided would have been lawful and consistent with standards for the practice of
9 the relevant profession in this State. **Section 4** of this bill requires each health care
10 licensing board that licenses providers of health care who provide gender-affirming
11 services to examine the feasibility of providing reciprocal licensing to providers of



12 health care in other states to facilitate the provision of gender-affirming services to
13 persons from other states who seek such services in this State.

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

34 **Section 3** of this bill prohibits state agencies in the Executive Department of
35 the State Government from providing information or expending or using time,
36 money, facilities, property, equipment, personnel or other resources of the State in
37 furtherance of an investigation or proceeding initiated in or by another state related
38 to the provision, securing or receiving of or any inquiry concerning gender-
39 affirming services, except under certain limited circumstances.

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

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

3 *1. A health care licensing board shall not disqualify a person*
4 *from licensure or subject any person to discipline solely:*

5 *(a) For providing or assisting in the provision of gender-*
6 *affirming services; or*

7 *(b) As a consequence of any judgment, discipline or other*
8 *sanction threatened or imposed under the laws of the District of*
9 *Columbia or any state or territory of the United States for*
10 *providing or assisting in the provision of gender-affirming*
11 *services,*

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

15 *2. As used in this section:*

16 *(a) "Gender-affirming services" means medical, surgical,*
17 *counseling or referral services that respect the gender identity or*



1 *expression of the patient and are found by a competent medical*
2 *professional to be appropriate based upon the wishes of a patient*
3 *and in accordance with the laws of this State, including, without*
4 *limitation:*

5 (1) *Interventions to suppress the development of*
6 *endogenous secondary sex characteristics;*

7 (2) *Interventions to align the appearance or physical body*
8 *of the patient with the gender identity or expression of the patient;*

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

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

17 (b) *“Health care licensing board” means:*

18 (1) *A board created pursuant to chapter 630, 630A, 631,*
19 *632, 633, 634, 634A, 635, 636, 637, 637B, 639, 640, 640A, 640B,*
20 *640C, 640D, 640E, 641, 641A, 641B, 641C or 641D of NRS.*

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

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

25 1. *Notwithstanding the provisions of NRS 179.177 to 179.235,*
26 *inclusive, the Governor shall not surrender, or issue a warrant*
27 *pursuant to NRS 179.191 for the arrest of, any person in this State*
28 *who is charged in another state with a criminal violation of the*
29 *laws of that other state if the violation alleged involves the*
30 *provision or receipt of or assistance with gender-affirming*
31 *services, unless the acts forming the basis of the prosecution of the*
32 *crime charged would constitute a criminal offense under the laws*
33 *of the State of Nevada.*

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

41 3. *As used in this section:*

42 (a) *“Gender-affirming services” means medical, surgical,*
43 *counseling or referral services that respect the gender identity or*
44 *expression of the patient and are found by a competent medical*
45 *professional to be appropriate based upon the wishes of a patient*



1 *and in accordance with the laws of this State, including, without*
2 *limitation:*

3 *(1) Interventions to suppress the development of*
4 *endogenous secondary sex characteristics;*

5 *(2) Interventions to align the appearance or physical body*
6 *of the patient with the gender identity or expression of the patient;*

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

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

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

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

19 *1. Except as required by the order of a court of competent*
20 *jurisdiction, a state agency shall not provide any information or*
21 *expend or use time, money, facilities, property, equipment,*
22 *personnel or other resources of the State in furtherance of any*
23 *investigation or proceeding initiated in or by another state that*
24 *seeks to impose civil or criminal liability or professional sanction*
25 *upon a person or entity for:*

26 *(a) The provision, securing or receiving of, or any inquiry*
27 *concerning, gender-affirming services that are legal in this State;*
28 *or*

29 *(b) Any assistance given to any person or entity that relates to*
30 *the provision, securing or receiving of, or any inquiry concerning,*
31 *gender-affirming services that are legal in this State.*

32 *2. The provisions of subsection 1 do not apply to any*
33 *investigation or proceeding where the conduct that is subject to*
34 *potential liability under the investigation or proceeding initiated in*
35 *or by the other state would be subject to civil or criminal liability*
36 *or professional sanction under the laws of the State of Nevada, if*
37 *committed in this State.*

38 *3. Notwithstanding the provisions of this section, a state*
39 *agency or employee, appointee, officer or other person acting on*
40 *behalf of a state agency may provide information or assistance in*
41 *connection with such an investigation or proceeding in response*
42 *to a written request by the person who is the subject of the*
43 *investigation or proceeding.*

44 *4. As used in this section:*



1 (a) *“Gender-affirming services” means medical, surgical,*
2 *counseling or referral services that respect the gender identity or*
3 *expression of the patient and are found by a competent medical*
4 *professional to be appropriate based upon the wishes of a patient*
5 *and in accordance with the laws of this State, including, without*
6 *limitation:*

7 (1) *Interventions to suppress the development of*
8 *endogenous secondary sex characteristics;*

9 (2) *Interventions to align the appearance or physical body*
10 *of the patient with the gender identity or expression of the patient;*

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

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

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

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

30 2. As used in this section:

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

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

35 (c) *“Provider of health care” has the meaning ascribed to it in*
36 *NRS 629.031.*

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



