

§9002. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [PL 2023, c. 648, Pt. A, §1 (NEW).]

1. Aid and assist legally protected health care activity. "Aid and assist legally protected health care activity" and "aiding and assisting legally protected health care activity" mean:

- A. Any act or omission of a person aiding or effectuating or attempting to aid or effectuate any other person in legally protected health care activity; or [PL 2023, c. 648, Pt. A, §1 (NEW).]
- B. The provision or administration of, or attempted provision or administration of, insurance coverage for gender-affirming health care services or reproductive health care services to a beneficiary or a dependent of a beneficiary by any insurer, payor or employer. [PL 2023, c. 648, Pt. A, §1 (NEW).]

"Aiding and assisting legally protected health care activity" does not include any conduct that deviates from the applicable standard of care or that could form the basis of a civil, criminal or administrative action under the laws of this State had the course of conduct that forms the basis for liability occurred entirely within this State.

[PL 2023, c. 648, Pt. A, §1 (NEW).]

2. Aggrieved person. "Aggrieved person" means:

- A. A person against whom hostile litigation is filed or prosecuted or the legal representative of a person against whom hostile litigation is filed or prosecuted; [PL 2023, c. 648, Pt. A, §1 (NEW).]
- B. The employer of a person against whom hostile litigation is filed or prosecuted if the legally protected health care activity or aiding and assisting legally protected health care activity of the person that forms the basis of the hostile litigation was performed within the scope of the person's employment; or [PL 2023, c. 648, Pt. A, §1 (NEW).]

C. A person in this State upon whom a subpoena seeking information concerning legally protected health care activity or aiding and assisting legally protected health care activity is served by any federal or state court in connection with hostile litigation. [PL 2023, c. 648, Pt. A, §1 (NEW).]

[PL 2023, c. 648, Pt. A, §1 (NEW).]

3. Foreign judgment. "Foreign judgment" means any judgment, decree or order of a court of another state.

[PL 2023, c. 648, Pt. A, §1 (NEW).]

4. Gender-affirming health care services. "Gender-affirming health care services" means all supplies, care and services of a medical, behavioral health, mental health, surgical, psychiatric, therapeutic, diagnostic, preventive, rehabilitative or supportive nature, including medication, relating to the treatment of gender dysphoria and gender incongruence in accordance with the accepted standard of care as defined by major medical professional organizations and agencies with expertise in the field of gender-affirming health care, including the Standards of Care for the Health of Transgender and Gender Diverse People, Version 8, or subsequent version, published by the World Professional Association for Transgender Health. "Gender-affirming health care services" does not include conversion therapy as defined in Title 32, section 59-C, subsection 1.

[PL 2023, c. 648, Pt. A, §1 (NEW).]

5. Health care practitioner. "Health care practitioner" has the same meaning as in Title 24, section 2502, subsection 1-A, except that "health care practitioner" does not include a veterinarian. "Health care practitioner" also includes persons licensed under:

- A. Title 32, chapter 18; [PL 2023, c. 648, Pt. A, §1 (NEW).]
- B. Title 32, chapter 32; [PL 2023, c. 648, Pt. A, §1 (NEW).]

- C. Title 32, chapter 83; [PL 2023, c. 648, Pt. A, §1 (NEW).]
 - D. Title 32, chapter 117; and [PL 2023, c. 648, Pt. A, §1 (NEW).]
 - E. Title 32, chapter 119. [PL 2023, c. 648, Pt. A, §1 (NEW).]
- [PL 2023, c. 648, Pt. A, §1 (NEW).]

6. Hostile litigation. "Hostile litigation" means any litigation or other legal action, including civil, criminal or administrative action, to deter, prevent, sanction or punish any health care practitioner or person assisting a health care practitioner who provides legally protected health care activity or aids and assists legally protected health care activity by:

- A. Filing or prosecuting any litigation or other legal action in any other state where liability, in whole or in part, directly or indirectly, is based on legally protected health care activity or aiding and assisting legally protected health care activity that occurred in this State, including any action in which liability is based on any theory of vicarious, joint or several liability; or [PL 2023, c. 648, Pt. A, §1 (NEW).]
- B. Attempting to enforce any order or judgment issued in connection with any litigation or other legal action under paragraph A by any party to the action or by any person acting on behalf of any party to the action. [PL 2023, c. 648, Pt. A, §1 (NEW).]

For purposes of this chapter, litigation or other legal action is based on legally protected health care activity or aiding and assisting legally protected health care activity that occurred in this State if any part of any act or omission involved in the course of conduct that forms the basis for liability in the action occurs or is initiated in this State, whether or not the act or omission is alleged or included in any pleading or other filing in the lawsuit.

[PL 2023, c. 648, Pt. A, §1 (NEW).]

7. Law enforcement agency. "Law enforcement agency" means any court, department or agency of this State, a political subdivision of this State or a college or a university in this State charged with the enforcement of laws or the custody of detained persons. "Law enforcement agency" includes the Department of the Attorney General and district attorneys' offices.

[PL 2023, c. 648, Pt. A, §1 (NEW).]

8. Legally protected health care activity. "Legally protected health care activity" means:

- A. The exercise and enjoyment or attempted exercise and enjoyment by any person of the right secured by this State to gender-affirming health care services or reproductive health care services; and [PL 2023, c. 648, Pt. A, §1 (NEW).]
- B. The provision or attempted provision of gender-affirming health care services or reproductive health care services that are authorized under the laws of this State and that are provided in accordance with the applicable standard of care by a health care practitioner licensed under the laws of this State and physically present in this State, regardless of whether the patient is located in this State or whether the health care practitioner is licensed in the state where the patient is located at the time the services are rendered. [PL 2023, c. 648, Pt. A, §1 (NEW).]

"Legally protected health care activity" does not include any conduct that could form the basis of a civil, criminal or administrative action under the laws of this State had the course of conduct that forms the basis for liability occurred entirely within this State.

[PL 2023, c. 648, Pt. A, §1 (NEW).]

9. Reproductive health care services. "Reproductive health care services" means all supplies, care and services of a medical, behavioral health, mental health, surgical, psychiatric, therapeutic, diagnostic, preventive, rehabilitative or supportive nature, including medication, relating to pregnancy, contraception, assisted reproduction, pregnancy loss management or the termination of a pregnancy in

accordance with the applicable standard of care as defined by major medical professional organizations and agencies with expertise in the field of reproductive health care.

[PL 2023, c. 648, Pt. A, §1 (NEW).]

10. State. "State" means a state of the United States, the District of Columbia, Puerto Rico, the United States Virgin Islands or any territory or insular possession subject to the jurisdiction of the United States.

[PL 2023, c. 648, Pt. A, §1 (NEW).]

SECTION HISTORY

PL 2023, c. 648, Pt. A, §1 (NEW).

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