

Department of Legislative Services
Maryland General Assembly
2024 Session

FISCAL AND POLICY NOTE
Third Reader

Senate Bill 119

(Senator Lam, *et al.*)

Finance

Health and Government Operations and
Judiciary

Legally Protected Health Care - Gender-Affirming Treatment

This bill expands the definition of “legally protected health care” to include all gender-affirming treatment that is lawful in the State. As a result, gender-affirming treatment is subject to specified protections and prohibitions under current law.

Fiscal Summary

State Effect: None. The change is procedural in nature and is not anticipated to materially affect governmental finances.

Local Effect: The bill is not anticipated to materially affect local government operations or finances.

Small Business Effect: None.

Analysis

Bill Summary/Current Law: [Chapters 246 and 247 of 2023](#) (the Reproductive Health Protection Act) establish additional protections for information related to “legally protected health care” when that information is sought by another state. The Acts also prohibit (1) a health occupations board from taking specified disciplinary actions related to the provision of legally protected health care; (2) a medical professional liability insurer from taking specified adverse actions against a practitioner related to the practice of legally protected health care; and (3) specified State entities, agents, and employees from participating in any interstate investigation seeking to impose specified liabilities or sanctions against a person for activity related to legally protected health care (with limited exception).

Under § 15-151 of the Health-General Article, “gender-affirming treatment” means any medically necessary treatment consistent with current clinical standards of care prescribed by a licensed health care provider for the treatment of a condition related to the individual’s gender identity. “Gender-affirming treatment” includes (1) hormone therapy, hormone blockers, and puberty blockers; (2) hair alteration for the purposes of altering secondary sex characteristics and surgical site preparation; (3) alterations to voice, voice therapy, and voice lessons; (4) alterations to abdomen, chest, trunk, and buttocks; (5) alterations to the face and neck; (6) alterations to the genitals and gonads; (7) laser treatment for scars from gender-affirming treatment; (8) standard fertility preservation procedures; (9) revisions to previous treatments and reversal of treatments; (10) combinations of gender-affirming procedures; and (11) other treatments as prescribed to suppress the development of endogenous secondary sex characteristics, align the individual’s appearance or physical body with gender identity, and alleviate symptoms of clinically significant distress resulting from gender dysphoria.

Under § 2-312 of the State Personnel and Pensions Article, “legally protected health care” means all reproductive health services, medications, and supplies related to the direct provision or support of the provision of care related to pregnancy, contraception, assisted reproduction, and abortion that is lawful in the State.

The bill expands the definition of legally protected health care to include all gender-affirming treatment, including medications and supplies, related to the direct provision or support of the provision of care related to gender-affirming treatment that is lawful in the State. Thus, the bill applies the additional protections and prohibitions established under Chapters 246 and 247 to all gender-affirming treatment that is lawful in the State.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: HB 691 (Delegate Moon, *et al.*) - Health and Government Operations and Judiciary.

Information Source(s): Maryland Commission on Civil Rights; Office of the Attorney General; Maryland State Treasurer’s Office; Judiciary (Administrative Office of the Courts); Maryland Department of Health; Department of Budget and Management; Maryland Municipal League; Maryland Association of Counties; Department of Legislative Services

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