



Nebraska's LB 574 & Gender Affirming Care: What Does It Say?

In May 2023, Nebraska passed Legislative Bill 574 ("LB 574"), restricting the gender affirming care people under 19 can receive in Nebraska.

Here is what it says:

1. Starting October 1, 2023, health care providers generally cannot perform "gender-altering procedures" for people under 19 in Nebraska.

This includes:

- Medical care (surgeries, physician or hospital services, prescription drugs, etc.) to:
 - Alter or remove characteristics typical for a person's biological sex; or
 - Create or instill characteristics of a sex different from a person's biological sex.

This does not include:

- Continuing treatment using puberty-blocking drugs and/or cross-sex hormones started before October 1, 2023.
- Non-surgical care allowed by Nebraska's Chief Medical Officer and Department of Health and Human Services via rules (see below).
- Gender altering care for people:
 - Needing treatment from an infection, injury, or condition caused or made worse by gender-altering care;
 - With physical issues that threaten imminent danger of death or major bodily function impairment unless surgery is performed; or
 - Diagnosed with a "disorder of sex development" (such as abnormal sex chromosome / steroid structure, production, or action).

If a provider violates LB 574, they may be penalized and/or subjected to legal liability.

- LB 574 does NOT punish the recipient of gender affirming care or their parent(s).

2. However, Nebraska's Chief Medical Officer has to make rules that allow people under 19 to access non-surgical "gender-altering procedures" (like puberty-blocking drugs and/or cross-sex hormones) if certain requirements are met.

These rules must:

- State that a provider may prescribe approved drugs if an individual has a pattern of gender nonconformity or gender dysphoria that started or got worse at the start of puberty;
- Include the minimum amount of gender-identity focused therapy;
- Include a waiting period between consent and care;
- Include patient advisory and informed consent requirements; and
- Include medical record documentation requirements.

The Nebraska Department of Health and Human Services can also adopt rules as long as they don't conflict with the above.

Until these rules are made, the general ban in LB 574 applies.

The term "gender-altering procedure" is the legal term used and defined by LB 574 and is not intended to dis-affirm the experiences, perspectives, and necessity of gender affirming care.

ACCESS TO GENDER AFFIRMING CARE FOR PEOPLE UNDER 19 IN NEBRASKA

BEFORE OCTOBER 1, 2023

LB 574's restrictions are not in effect and current access to gender affirming care can continue.

AFTER OCTOBER 1, 2023 BUT BEFORE CHIEF MEDICAL OFFICER RULES*

Allowed:

- Continuing treatment using puberty-blocking drugs and/or cross-sex hormones started before October 1, 2023.
- "Gender-altering" care for people:
 - Needing treatment from an infection, injury, or condition caused or made worse by gender-altering procedures;
 - With physical issues that threaten imminent danger of death or major bodily function impairment unless a surgery is performed; or
 - Diagnosed with a "disorder of sex development," such as abnormal sex chromosome / steroid structure, production, or action.

Not Allowed:

- All other "gender-altering procedures" (surgery, physician or hospital service, prescription drugs or hormones, etc.).

AFTER OCTOBER 1, 2023 & AFTER CHIEF MEDICAL OFFICER RULES

Allowed:

- Continuing treatment using puberty-blocking drugs and/or cross-sex hormones started before October 1, 2023.
- "Gender-altering" care for people:
 - Needing treatment from an infection, injury, or condition caused or made worse by gender-altering procedures;
 - In imminent danger of death or major bodily function impairment unless a surgery is performed; or
 - Diagnosed with a "disorder of sex development," such as abnormal sex chromosome / steroid structure, production, or action.
- Non-surgical "gender-altering" care (like puberty blocking drugs and/or cross-sex hormones) allowed by Nebraska's Chief Medical Officer and Department of Health and Human Services after certain requirements are met.

Not Allowed:

- All other "gender-altering procedures."

**Note that there is a pending legal challenge to LB 574 that could affect its implementation.*

If you are or expect to be experiencing difficulty accessing or providing gender affirming care as a result of LB 574, please contact Nebraska Appleseed's Community Assistance Line at 402-438-8853 ext. 205 or neappleseed.org/gethelp to speak about your experiences and rights.

For questions about your specific care, please consult with your medical provider.

For 24/7 confidential crisis support, call the Trevor Project at 1-866-488-7386 or text 678-678.



Nebraska Appleseed is a non-profit legal advocacy organization that fights for justice and opportunity for all Nebraskans.



OutNebraska empowers, celebrates and grows LGBTQ+ communities in Nebraska.

The information provided above is not legal advice and is for general information purposes only.