

Sexual Orientation and Gender Identity Protection Act

CHAPTER 28 OF THE ACTS OF 2018



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Published by Authority of the Speaker of the House of Assembly
Halifax

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**An Act Respecting Sexual Orientation
and Gender Identity Protection**

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Short title

1 This Act may be cited as the *Sexual Orientation and Gender Identity Protection Act*. 2018, c. 28, s. 1.

Purpose of Act

2 The purpose of this Act is to protect Nova Scotia youth from damaging efforts to change their sexual orientation or gender identity. 2018, c. 28, s. 2.

Interpretation

3 In this Act,

(a) “change effort” means any counselling, behaviour modification techniques, administration or prescription of medication or any other purported treatment, service or tactic used with the objective of changing a person’s sexual orientation or gender identity;

(b) “hospital” means a hospital within the meaning of the *Hospitals Act*, the *Health Services and Insurance Act* or the *Insured Health Services Act*;

(c) “hospital service” means an in-patient service or an out-patient service that is provided in a hospital;

(d) “professional service” means a service provided by a member of a regulated health profession in the course of the member’s scope of practice;

(e) “regulated health profession” means a health profession regulated by any of the organizations listed in the Schedule to the *Regulated Health Profession Network Act*;

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(f) “resident” means a resident of the Province within the meaning of the *Health Services and Insurance Act* or pursuant to the *Insured Health Services Act*;

(g) “scope of practice” means the roles and functions authorized for members of a regulated health profession by that profession’s governing statute including counselling, behavior modification techniques, the administering and prescribing of medication and any other purported treatment. 2018, c. 28, s. 3.

Not insured services

4 Notwithstanding the *Health Services and Insurance Act*, the *Insured Health Services Act* or the regulations made thereunder, or any other Act, any hospital or professional services that seek to change the sexual orientation or gender identity of a resident are not insured services under those Acts. 2018, c. 28, s. 4.

Prohibited expenditure

5 The expenditure of public funds of the Province to cover the costs of any change effort with the objective to change the sexual orientation or gender identity of a person is hereby prohibited and declared unlawful. 2018, c. 28, s. 5.

Prohibited services

6 (1) No member of a regulated health profession shall, in the course of the member’s scope of practice, provide any hospital or professional services with the objective to change the sexual orientation or gender identity of a person under the age of nineteen years.

(2) Subsection (1) does not apply where the person receiving the services is over the age of sixteen years, capable of consenting to the services and consents to the services.

(3) Notwithstanding any other Act, a parent, guardian, substitute decision-maker or representative decision-maker may not give consent on a person’s behalf to the provision of any services described in subsection (1). 2018, c. 28, s. 6.

Change efforts

7 (1) No person in a position of trust or authority towards a young person under the age of nineteen years shall make any change effort with respect to the young person.

(2) Subsection (1) does not apply where the young person is over the age of sixteen years, capable of consenting to the change effort and consents to the change effort.

(3) Notwithstanding any other Act, a parent, guardian, substitute decision-maker or representative decision-maker may not give consent on a person’s behalf to the provision of any efforts described in subsection (1). 2018, c. 28, s. 7.

Covered services

8 For greater certainty, the services and change efforts referred to in Sections 4 and 5, subsection 6(1) and subsection 7(1) do not include

- (a) services that provide acceptance, support or understanding of a resident or the facilitation of a resident's coping, social support or identity exploration or development; and
- (b) gender-confirming surgery or any services related to gender-confirming surgery. 2018, c. 28, s. 8.

Regulations

9 (1) The Governor in Council may make regulations

- (a) defining or further defining any word or expression used in this Act;
- (b) respecting any matter or thing the Governor in Council considers necessary or advisable to effectively carry out the intent and purpose of this Act.

(2) The exercise by the Governor in Council of the authority contained in subsection (1) is a regulation within the meaning of the *Regulations Act*. 2018, c. 28, s. 9.
