§ 6531-b. Exceptions; reproductive health services. 1. As used in this section, the following terms shall have the following meanings:

(a) "Reproductive health care" shall mean and include all services, care, or products of a medical, surgical, psychiatric, therapeutic, diagnostic, mental health, behavioral health, preventative, rehabilitative, supportive, consultative, referral, prescribing, or dispensing nature relating to the human reproductive system provided in accordance with the constitution and the laws of this state, whether provided in person or by means of telehealth or telehealth services, which includes, but is not limited to, all services, care, and products relating to pregnancy, assisted reproduction, contraception, miscarriage management or abortion, including but not limited to care an individual provides to themself.

(b) "Health care practitioner" means a person who is licensed, certified, or authorized under this title and acting within their lawful scope of practice.

(c) "Gender-affirming care" means any type of care provided to an individual to affirm their gender identity or gender expression, including but not limited to care an individual provides to themself; provided that surgical interventions on minors with variations in their sex characteristics that are not sought and initiated by the individual patient are not gender-affirming care.

2. Any legally protected health activity, as defined by section 570.17 of the criminal procedure law, by a health care practitioner acting within their scope of practice, shall not, by itself, constitute professional misconduct under this title, or title two-A of article two of the public health law, or any other law, rule or regulation governing the licensure, certification, or authorization of such practitioner, nor shall any license, certification or authorization of a health care practitioner be revoked, suspended, or annulled or otherwise subject to any other penalty or discipline provided in the public health law or this title solely on the basis that such health care practitioner engaged in legally protected health activity, as defined by section 570.17 of the criminal procedure law.

3. Nothing in this section shall be construed to expand the scope of

practice of any individual licensed, certified or authorized under this title, nor does this section give any such individual the authority to act outside their scope of practice, as defined in this title.