Healthcare Laws and Policies:
Nondiscrimination in Private Insurance and Bans on Transgender Exclusions

No updates required since August 24, 2020

Alabama
- No law protecting LGBTQ individuals from discrimination in private insurance

Alaska
- No law protecting LGBTQ individuals from discrimination in private insurance

Arizona
- No law protecting LGBTQ individuals from discrimination in private insurance

Arkansas
- No law protecting LGBTQ individuals from discrimination in private insurance

California
- Law prohibits discrimination in private insurance on the bases of sexual orientation and gender identity
- Ban on transgender exclusions

Colorado
- Policy prohibits discrimination in private insurance on the bases of sexual orientation and gender identity
- Ban on transgender exclusions
- See Bulletin No. B-4.49 (2013; sexual orientation, gender identity, and explicitly banning transgender exclusions)

Connecticut
- Policy prohibits discrimination in private insurance on the basis of gender identity only, though policy language/reasoning could be applicable to sexual orientation
- Ban on transgender exclusions
Delaware
- Law prohibits discrimination in private insurance on the bases of sexual orientation and gender identity
- Ban on transgender exclusions

District of Columbia
- Law prohibits discrimination in private insurance on the bases of sexual orientation and gender identity
- Ban on transgender exclusions

Florida
- No law protecting LGBTQ individuals from discrimination in private insurance

Georgia
- No law protecting LGBTQ individuals from discrimination in private insurance

Hawaii
- Law prohibits discrimination in private insurance on the bases of sexual orientation and gender identity
- Ban on transgender exclusions
- See HB 2084 (2016; gender identity and explicitly banning transgender exclusions)

Idaho
- No law protecting LGBTQ individuals from discrimination in private insurance

Illinois
- Law prohibits discrimination in private insurance on the bases of sexual orientation and gender identity
- Ban on transgender exclusions

Indiana
- No law protecting LGBTQ individuals from discrimination in private insurance

Iowa
- No law protecting LGBTQ individuals from discrimination in private insurance
Kansas
- No law protecting LGBTQ individuals from discrimination in private insurance

Kentucky
- No law protecting LGBTQ individuals from discrimination in private insurance

Louisiana
- No law protecting LGBTQ individuals from discrimination in private insurance

Maine
- Law prohibits discrimination in private insurance on the bases of sexual orientation and gender identity
- Ban on transgender exclusions
- See LD 1/SP 10 (2019; sexual orientation, gender identity, and explicitly banning transgender exclusions)

Maryland
- Guidance includes a ban on transgender exclusions in compliance with ACA provisions

Massachusetts
- Policy prohibits discrimination in private insurance on the basis of gender identity only, though policy language/reasoning could be applicable to sexual orientation
- Ban on trans exclusions

Michigan
- Policy prohibits discrimination in private insurance on the bases of sexual orientation and gender identity
- Ban on transgender exclusions
- See Bulletin 2016-10-INS (2016; explicitly banning transgender exclusions) and Bulletin 2020-34-INS (2020; sexual orientation and gender identity)

Minnesota
- Law prohibits discrimination in private insurance on the bases of sexual orientation and gender identity
- Guidance includes a ban on transgender exclusions in compliance with ACA provisions.
- See HF 585 (1993; sexual orientation, defined to include gender identity) and Administrative Bulletin 2015-5 (2015; explicitly banning transgender exclusions).

Mississippi
- No law protecting LGBTQ individuals from discrimination in private insurance
Missouri
- No law protecting LGBTQ individuals from discrimination in private insurance

Montana
- Guidance prohibits discrimination in private insurance on the bases of sexual orientation and gender identity in compliance with ACA provisions
- Guidance includes a ban on transgender exclusions in compliance with ACA provisions
- See Advisory Memorandum (2016; explicitly banning transgender exclusions).

Nebraska
- No law protecting LGBTQ individuals from discrimination in private insurance

Nevada
- Law prohibits discrimination in private insurance on the bases of sexual orientation and gender identity
- Ban on transgender exclusions

New Hampshire
- Law prohibits discrimination in private insurance on the bases of sexual orientation and gender identity
- Ban on transgender exclusions
- See RSA 415:15 (2020) and Bulletin No. 20-033-AB (2020).

New Jersey
- Law prohibits discrimination in private insurance on the basis of gender identity only
- Ban on transgender exclusions
- See NJ A4568 (2017; gender identity and explicitly banning transgender exclusions).

New Mexico
- Policy prohibits discrimination in private insurance on the basis of gender identity only
- Ban on transgender exclusions

New York
- Policy prohibits discrimination in private insurance on the bases of sexual orientation and gender identity
- Ban on transgender exclusions
North Carolina
  • No law protecting LGBTQ individuals from discrimination in private insurance

North Dakota
  • No law protecting LGBTQ individuals from discrimination in private insurance

Ohio
  • No law protecting LGBTQ individuals from discrimination in private insurance

Oklahoma
  • No law protecting LGBTQ individuals from discrimination in private insurance

Oregon
  • Law prohibits discrimination in private insurance on the bases of sexual orientation and gender identity
  • Ban on transgender exclusions
  • See ORS 746.015 and OAR 836-080-0055 (sexual orientation defined to include gender identity).
  • See also DFR 2016-1 (2016; explicitly banning transgender exclusions).

Pennsylvania
  • Policy prohibits discrimination in private insurance on the basis of gender identity only, though policy language/reasoning could be applicable to sexual orientation
  • Policy includes a ban on transgender exclusions

Rhode Island
  • Policy prohibits discrimination in private insurance on the bases of sexual orientation and gender identity
  • Policy includes a ban on transgender exclusions

South Carolina
  • No law protecting LGBTQ individuals from discrimination in private insurance

South Dakota
  • No law protecting LGBTQ individuals from discrimination in private insurance

Tennessee
  • No law protecting LGBTQ individuals from discrimination in private insurance

Texas
  • No law protecting LGBTQ individuals from discrimination in private insurance
Utah
• No law protecting LGBTQ individuals from discrimination in private insurance

Vermont
• Law prohibits discrimination in private insurance on the bases of sexual orientation and gender identity
• Ban on transgender exclusions

Virginia
• Law prohibits discrimination in private insurance on the basis of gender identity only
• Ban on transgender exclusions
• See HB 1429 (2020; gender identity and explicitly banning transgender exclusions), effective 7/1/2020

Washington
• Law prohibits discrimination in private insurance on the bases of sexual orientation and gender identity
• Ban on transgender exclusions
• See RCW 48.30.300 (HB 2661, 2006; adding sexual orientation, defined to include gender identity) and Letter to Health Insurance Carriers (2014; explicitly banning transgender exclusions).

West Virginia
• No law protecting LGBTQ individuals from discrimination in private insurance

Wisconsin
• Policy prohibits discrimination in private insurance on the bases of sexual orientation and gender identity
• Ban on transgender exclusions
• See Wis. Admin Code Ins. 6.54 (sexual orientation) and Commissioner of Insurance’s bulletin (2020; gender identity and explicitly banning transgender exclusions).

Wyoming
• No law protecting LGBTQ individuals from discrimination in private insurance
U.S. Territories
Insurance nondiscrimination laws enumerating sexual orientation or gender identity were identified only in Puerto Rico among the five populated U.S. territories.

Puerto Rico

- Puerto Rico’s Patients’ Bill of Rights prohibits discrimination based on sexual orientation.
- The HIV Patients’ Bill of Rights also prohibits discrimination against people living with HIV on account of sexual orientation (2018).
- In 2018, the health department issued an administrative order prohibiting discrimination based on sexual orientation and gender identity by health care providers affiliated with state department of health.
- In March 2019, health insurance administration, the Administración de Seguros de Salud, issued a letter prohibiting discrimination based on sexual orientation and gender identity, but it did not explicitly eliminate transition-related care exclusions.