Healthcare Laws and Policies:
Private Insurance Nondiscrimination Laws & Related Policies

No updates required since October 10, 2023

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Background

**Private Insurance Nondiscrimination:** These laws or policies protect LGBTQ people from being unfairly denied health insurance coverage or from being unfairly excluded from coverage for certain health care procedures on the basis of sexual orientation and/or gender identity.

**Bans on Transgender Exclusions:** These policies ban health insurance providers from explicitly refusing to cover transgender-related healthcare.

**Negative Law: Explicitly Permitting Private Insurers to Exclude Transgender-Related Care:** These are effectively the opposite of bans on transgender exclusions. They explicitly allow private insurers to not cover best practice medical care for transgender people.

**Equality Map & Additional Resources**

- See our [Equality Map: Healthcare Laws and Policies](#), which is updated and maintained in real time alongside this document.

- See also the Transgender Legal Defense & Education Fund (TLDEF)’s [Trans Health Project](#) for additional information about these and other policies.
Chronology

Order of Bans on Transgender Exclusions
(by date of administrative filing or issuance or governor signature; not by effective date)

1. California – 10 CCR § 2561.2 – August 3, 2012

   California – Letter No. 12-K – April 9, 2013


17. Montana – Advisory Memorandum – March 31, 2016


22. Maine – LD 1/SP 10 – March 19, 2019

23. Virginia – HB 1429 – April 7, 2020
25. Wisconsin – Bulletin – June 29, 2020
State-by-State Sources & More Detail

Alabama
• No state law protecting LGBTQ individuals from discrimination in private insurance

Alaska
• No state law protecting LGBTQ individuals from discrimination in private insurance

Arizona
• No state law protecting LGBTQ individuals from discrimination in private insurance

Arkansas
• No state law protecting LGBTQ individuals from discrimination in private insurance
• State law explicitly permits private insurers to refuse to cover gender-affirming care (for everyone, regardless of age). See HB 1570 (2021).

California
• State law prohibits discrimination in private insurance on the bases of sexual orientation and gender identity
• Ban on transgender exclusions
• See AB 1586 (2005; sexual orientation and gender identity), 10 CCR § 2561.2 (2012) and Letter No. 12-K (2013; also explicitly banning transgender exclusions).

Colorado
• State policy and regulation prohibits discrimination in private insurance on the bases of sexual orientation and gender identity
• Ban on transgender exclusions
• See Bulletin No. B-4.049 (2013; sexual orientation, gender identity, and explicitly banning transgender exclusions), 3 CCR 702-4 (2019), and the state Department of Regulatory Agencies’ (DORA) Gender-Affirming Care Coverage Guide (effective Jan 1, 2023)

Connecticut
• State 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
• See Bulletin IC-34 (2013; gender identity and explicitly banning transgender exclusions).

Delaware
• State law prohibits discrimination in private insurance on the bases of sexual orientation and gender identity
• Ban on transgender exclusions
• See SB 121 (2009; sexual orientation), SB 97 (2013; gender identity), and Bulletin No. 86 (2016; explicitly banning transgender exclusions; revised and reissued 2020).
District of Columbia
- State law prohibits discrimination in private insurance on the bases of sexual orientation and gender identity
- Ban on transgender exclusions

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

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

Hawai‘i
- State law 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
- See HB 2084 (2016; gender identity and explicitly banning transgender exclusions), as well as HB 2405 (2022)

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

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

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

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

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

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

Louisiana
- No state law protecting LGBTQ individuals from discrimination in private insurance
Maine
- State 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
- Ban on transgender exclusions in compliance with ACA provisions
- See Bulletin 15-33 (2015; explicitly banning transgender exclusions)

Massachusetts
- State 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
- See Bulletin 2014-03 (2014; gender identity and explicitly banning transgender exclusions)

Michigan
- State 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
- State 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 state law protecting LGBTQ individuals from discrimination in private insurance
- State law explicitly permits private insurers to refuse to cover gender-affirming care for minors.
  See Section 12(3) of HB 1125 (2023).

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

Montana
- Ban on transgender exclusions in compliance with ACA provisions
- See Advisory Memorandum (2016; explicitly banning transgender exclusions).
Nebraska
- No state law protecting LGBTQ individuals from discrimination in private insurance

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

New Hampshire
- State 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
- State law prohibits discrimination in private insurance on the basis of gender identity only
- Ban on transgender exclusions
- See A 4568 (2017; gender identity and explicitly banning transgender exclusions)

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

New York
- State policy prohibits discrimination in private insurance on the bases of sexual orientation and gender identity
- Ban on transgender exclusions

North Carolina
- No state law protecting LGBTQ individuals from discrimination in private insurance

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

Ohio
- No state law protecting LGBTQ individuals from discrimination in private insurance

Oklahoma
- No state law protecting LGBTQ individuals from discrimination in private insurance
Oregon
- State law prohibits discrimination in private insurance on the bases of sexual orientation and gender identity
- Ban on transgender exclusions
- See SB2 (2007; sexual orientation, defined to include gender identity). See also DCBS Bulletin INS 2012-1 (2012), including the appendix (p7) that clarifies that SB2 applies to the insurance code and therefore prohibits discrimination based on sexual orientation and gender identity. DCBS Bulletin 2012-1 (2012) also explicitly banned transgender exclusions. See also DFR 2016-1 (2016; replacing/updating Bulletin 2012-1), SB250 (2019), and ORS 746.021.

Pennsylvania
- State 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
- State 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

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

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

Tennessee
- No state law protecting LGBTQ individuals from discrimination in private insurance

Texas
- No state law protecting LGBTQ individuals from discrimination in private insurance

Utah
- No state law protecting LGBTQ individuals from discrimination in private insurance
Vermont
- State law prohibits discrimination in private insurance on the bases of sexual orientation and gender identity
- Ban on transgender exclusions

Virginia
- State 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
- State 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 state law protecting LGBTQ individuals from discrimination in private insurance

Wisconsin
- State 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 (1976; sexual orientation) and Commissioner of Insurance’s bulletin (2020; gender identity and explicitly banning transgender exclusions).

Wyoming
- No state law protecting LGBTQ individuals from discrimination in private insurance

U.S. Territories

American Samoa
- No territory law or policy protecting LGBTQ individuals from discrimination in private insurance

Commonwealth of the Northern Mariana Islands
- No territory law or policy protecting LGBTQ individuals from discrimination in private insurance
Guam
- No territory law or policy protecting LGBTQ individuals from discrimination in private insurance

Puerto Rico
- Territory policy prohibits discrimination in private insurance on the bases of sexual orientation and gender identity
- See Patients’ Bill of Rights (2000; sexual orientation) and the health insurance administration (Administración de Seguros de Salud) letter prohibiting discrimination (2019; sexual orientation and gender identity).
- Related: See also the HIV Patients’ Bill of Rights (2018), prohibiting discrimination against people living with HIV on account of sexual orientation, and a 2018 health department administrative order prohibiting discrimination based on sexual orientation and gender identity by health care providers affiliated with state department of health.

U.S. Virgin Islands
- No territory law or policy protecting LGBTQ individuals from discrimination in private insurance