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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
- See [AB 1586](#) (2005; sexual orientation and gender identity) and [Letter No. 12-K](#) (2013; explicitly banning 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
- See [Bulletin IC-34](#) (2013; gender identity and explicitly banning transgender exclusions).



Delaware

- 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).

District of Columbia

- Law prohibits discrimination in private insurance on the bases of sexual orientation and gender identity
- Ban on transgender exclusions
- See [D.C. Law 6-132](#) (1986; sexual orientation), [D.C. Law 17-177](#) (2008; gender identity) and [Bulletin 13-IB-01-30/15](#) (2013, updated 2014; explicitly banning 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
- See [P.A. 93-1078](#) (2005, effective 1/1/2006; sexual orientation and gender identity) and [Bulletin 2014-10](#) (2014; explicitly banning 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
- See [Bulletin 15-33](#) (2015; explicitly banning transgender exclusions).

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
- See [Bulletin 2014-03](#) (2014; gender identity and explicitly banning transgender 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
- See [SB 207](#) (2009; sexual orientation), [SB 331](#) (2011; gender identity), and additional guidance in [Bulletin No. 15-002](#) (2015; explicitly banning 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
- See [Bulletin No. 2018-013](#) (2018; gender identity and explicitly banning transgender exclusions).

New York

- Policy prohibits discrimination in private insurance on the bases of sexual orientation and gender identity
- Ban on transgender exclusions
- See [Insurance Regulation 62](#) (2018; sexual orientation and gender identity) and [Insurance Circular Letter No. 7](#) (2014; explicitly banning 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
- See [46 Pa.B. 2251 Notice 2016-05](#) (2016; gender identity and explicitly banning 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
- See [Health Insurance Bulletin 2015-3](#) (2015; explicitly banning 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
- See S.0131 (1992; sexual orientation), [S.51](#) (2007; gender identity), and [Bulletin 174](#) (2013, revised 2019; explicitly banning 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



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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.