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

No updates required since February 7, 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
- 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.

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
  • 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.

Michigan
  • Guidance includes a ban on transgender exclusions in compliance with ACA provisions
  • See Bulletin 2016-10-INS (2016; explicitly banning transgender exclusions).
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
- Ban on transgender exclusions. See RSA 415:15 (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
- No law protecting LGBTQ individuals from discrimination in private insurance

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
- No law protecting LGBTQ individuals from discrimination in private insurance

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.