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

No updates required since June 22, 2022

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.

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
- See [HB 1570](#) (2021) prohibiting Medicaid coverage of gender-affirming care for minors; prohibiting private insurers from covering gender-affirming care for minors; allowing private insurers to refuse to cover gender-affirming care for adults

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) and [Letter No. 12-K](#) (2013; explicitly banning transgender exclusions).

Colorado

- State 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)



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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).

District of Columbia

- State 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 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 bases of sexual orientation and gender identity
- 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
- See [P.A. 93-1078](#) (2005, effective 1/1/2006; sexual orientation and gender identity) and [Bulletin 2014-10](#) (2014; explicitly banning transgender exclusions).



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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

- Guidance includes a 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

Missouri

- No state 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 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
- 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

- 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 NJ [A4568](#) (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
- See [Bulletin No. 2018-013](#) (2018; gender identity and explicitly banning transgender exclusions).



New York

- State 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 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
- See [46 Pa.B. 2251 Notice 2016-05](#) (2016; gender identity and explicitly banning 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
- See [Health Insurance Bulletin 2015-3](#) (2015; gender identity and explicitly banning transgender exclusions).



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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
- See S.0131 (1992; sexual orientation), [S.51](#) (2007; gender identity), and [Bulletin 174](#) (2013, revised 2019; explicitly banning 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