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# Healthcare Laws and Policies: Private Insurance Nondiscrimination Laws, Bans on Exclusions of Transgender Health Care, and Related Policies

No updates required since April 26, 2024

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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.



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## 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
2. Oregon – [Bulletin 2012-01](#) – December 19, 2012
3. District of Columbia – [Bulletin 13-IB-01-30-15](#) – March 15, 2013
4. Colorado – [Bulletin no. B-4.049](#) – March 18, 2013  
California – [Letter No. 12-K](#) – April 9, 2013
5. Vermont – [Bulletin 174](#) – April 22, 2013
6. Connecticut – [Bullet IC-34](#) – December 19, 2013
7. Massachusetts – [Bulletin 2014-03](#) – June 20, 2014
8. Washington – [Letter to Health Insurance Carriers](#) – June 25, 2014
9. Illinois – [Bulletin 2014-10](#) – July 28, 2014
10. New York – [Insurance Circular Letter No. 7](#) – December 11, 2014
11. Nevada – [Bulletin 15-002](#) – June 25, 2015
12. Rhode Island – [Bulletin 2015-3](#) – November 23, 2015
13. Minnesota – [Administrative Bulletin 2015-5](#) – November 24, 2015
14. Maryland – [Bulletin 15-33](#) – December 10, 2015
15. Michigan – [Bulletin 2016-10-INS](#) – March 14, 2016
16. Delaware – [Bulletin No. 86](#) – March 23, 2016
17. Montana – [Advisory Memorandum](#) – March 31, 2016
18. Pennsylvania – [Notice 2016-05](#) – April 30, 2016
19. Hawai'i – [HB 2084](#) – June 29, 2016
20. New Jersey – [A 4568](#) – July 21, 2017
21. New Mexico – [Bulletin 2018-013](#) – August 23, 2018
22. Maine – [LD 1/SP 10](#) – March 19, 2019
23. Virginia – [HB 1429](#) – April 7, 2020
24. New Hampshire – [Bulletin INS 20-033-AB](#) – June 8, 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
- 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 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
- 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 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

- State law prohibits discrimination in private insurance on the bases of sexual orientation and gender identity
- Ban on transgender exclusions in compliance with ACA provisions
- See [HB1397](#) (2024; sexual orientation and gender identity) and [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
- 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 [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
- 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).

#### 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



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#### 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