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## Healthcare Laws and Policies: Nondiscrimination in Private Insurance

No updates required since August 30, 2018

### Alabama

- No law protecting LGBT individuals from discrimination in private insurance

### Alaska

- No law protecting LGBT individuals from discrimination in private insurance

### Arizona

- No law protecting LGBT individuals from discrimination in private insurance

### Arkansas

- No law protecting LGBT individuals from discrimination in private insurance

### California

- Law prohibits discrimination in private insurance on the bases of sexual orientation and gender identity
- Ban on trans exclusions.
- See [AB 1586](#) (2005). Further clarified in [Letter No. 12-K](#) (2013).

### Colorado

- Law prohibits discrimination in private insurance on the bases of sexual orientation and gender identity
- Ban on trans exclusions
- See CRS 10-3-1104 and accompanying guidance Bulletin No. [B-4.49](#) (2013).

### Connecticut

- No law protecting LGBT individuals from discrimination in private insurance
- Ban on trans exclusions.
- See Bulletin [IC-34](#) (2013).



#### Delaware

- Law prohibits discrimination in private insurance on the bases of sexual orientation and gender identity
- Ban on trans exclusions.
- See SB 97/79 Del. Laws Ch. 47 (2013) and accompanying guidance [Bulletin No. 86](#) (2016).

#### District of Columbia

- Law prohibits discrimination in private insurance on the bases of sexual orientation and gender identity
- Ban on trans exclusions.
- See D.C. Official Code 31-2231.11 and accompanying guidance [Bulletin 13-IB-01-30/15](#) (2014).

#### Florida

- No law protecting LGBT individuals from discrimination in private insurance

#### Georgia

- No law protecting LGBT individuals from discrimination in private insurance

#### Hawaii

- Law prohibits discrimination in private insurance on the bases of sexual orientation and gender identity
- Ban on trans exclusions.
- See [HI Rev Stat § 431:10A-118.3 \(2016\)](#).

#### Idaho

- No law protecting LGBT individuals from discrimination in private insurance

#### Illinois

- Law prohibits discrimination in private insurance on the bases of sexual orientation and gender identity
- Ban on trans exclusions.
- See 775 ILCS 5/5-102(A) and accompanying guidance [Bulletin 2014-10](#) (2014).

#### Indiana

- No law protecting LGBT individuals from discrimination in private insurance



#### Iowa

- No law protecting LGBT individuals from discrimination in private insurance

#### Kansas

- No law protecting LGBT individuals from discrimination in private insurance

#### Kentucky

- No law protecting LGBT individuals from discrimination in private insurance

#### Louisiana

- No law protecting LGBT individuals from discrimination in private insurance

#### Maine

- No law protecting LGBT individuals from discrimination in private insurance

#### Maryland

- Guidance includes a ban on trans exclusions in compliance with ACA provisions
- See [Bulletin 15-33](#) (2015).

#### Massachusetts

- Guidance includes a ban on trans exclusions in compliance with ACA provisions and MA state precedent interpreting "sex" to include gender identity in other discrimination contexts.
- See [Bulletin 2014-03](#) (2014).

#### Michigan

- Guidance includes a ban on trans exclusions in compliance with ACA provisions
- See [Bulletin 2016-10-INS](#) (2016).

#### Minnesota

- Law prohibits discrimination in private insurance on the bases of sexual orientation and gender identity
- Guidance includes a ban on trans exclusions in compliance with ACA provisions.
- See [Administrative Bulletin 2015-5](#) (2015).

#### Mississippi

- No law protecting LGBT individuals from discrimination in private insurance



#### Missouri

- No law protecting LGBT 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 trans exclusions in compliance with ACA provisions.
- See [Advisory Memorandum](#) (2016).

#### Nebraska

- No law protecting LGBT individuals from discrimination in private insurance

#### Nevada

- Law prohibits discrimination in private insurance on the bases of sexual orientation and gender identity
- Ban on trans exclusions.
- See NRS 651.070 and NAC 686A.140(7), clarified in [Bulletin No. 15-002](#) (2015).

#### New Hampshire

- No law protecting LGBT individuals from discrimination in private insurance

#### New Jersey

- Law prohibits discrimination in private insurance on the basis of gender identity only
- Ban on trans exclusions.
- See NJ [A4568](#) (2017).

#### New Mexico

- [Bulletin No. 2018-013](#) prohibits discrimination in private insurance on the basis of gender identity
- Ban on trans exclusions. See [Bulletin No. 2018-013](#) (2018).

#### New York

- Law prohibits discrimination in private insurance on the bases of sexual orientation and gender identity
- Ban on trans exclusions.
- See [11 CRR-NY 52.16](#) and [Insurance Circular Letter No. 7](#) (2014).



#### North Carolina

- No law protecting LGBT individuals from discrimination in private insurance

#### North Dakota

- No law protecting LGBT individuals from discrimination in private insurance

#### Ohio

- No law protecting LGBT individuals from discrimination in private insurance

#### Oklahoma

- No law protecting LGBT individuals from discrimination in private insurance

#### Oregon

- Law prohibits discrimination in private insurance on the bases of sexual orientation and gender identity
- Ban on trans exclusions.
- See ORS 746.015 and OAR 836-080-0055 (wherein "sexual orientation" is defined as "an individual's actual or perceived heterosexuality, homosexuality, bisexuality or gender identity"). See also [DFR 2016-1](#) (2016).

#### Pennsylvania

- Policy prohibits discrimination in private insurance on the bases of gender identity in compliance with DHHS and ACA provisions.
- Policy includes a ban on trans exclusions.
- See 46 Pa.B. 2251 [Notice 2016-05](#) (2016).

#### Rhode Island

- Policy prohibits discrimination in private insurance on the bases of sexual orientation and gender identity
- Policy includes a ban on trans exclusions.
- See [Health Insurance Bulletin 2015-3](#) (2015).

#### South Carolina

- No law protecting LGBT individuals from discrimination in private insurance

#### South Dakota

- No law protecting LGBT individuals from discrimination in private insurance



#### Tennessee

- No law protecting LGBT individuals from discrimination in private insurance

#### Texas

- No law protecting LGBT individuals from discrimination in private insurance

#### Utah

- No law protecting LGBT individuals from discrimination in private insurance

#### Vermont

- Law prohibits discrimination in private insurance on the bases of sexual orientation and gender identity
- Ban on trans exclusions.
- See [8 V.S.A. § 4724](#). See also [Bulletin 174](#) (2013).

#### Virginia

- No law protecting LGBT individuals from discrimination in private insurance

#### Washington

- Law prohibits discrimination in private insurance on the bases of sexual orientation and gender identity
- Ban on trans exclusions.
- See [RCW 48.30.300](#) (where sexual orientation discrimination includes discrimination based on gender identity or expression). See also [Letter to Health Insurance Carriers](#) (2014).

#### West Virginia

- No law protecting LGBT individuals from discrimination in private insurance

#### Wisconsin

- No law protecting LGBT individuals from discrimination in private insurance

#### Wyoming

- No law protecting LGBT 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.



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#### 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.