

House Bill 1332

By: Representatives Wilson of the 80<sup>th</sup>, Beverly of the 143<sup>rd</sup>, Mitchell of the 88<sup>th</sup>, and Wilkerson of the 38<sup>th</sup>

A BILL TO BE ENTITLED  
AN ACT

1 To amend Article 7 of Chapter 4 of Title 49 of the Official Code of Georgia Annotated,  
2 relating to medical assistance generally provided as public assistance under social services,  
3 so as to prohibit the discrimination of healthcare services, including gender-affirming  
4 hormone therapy and gender-reassignment surgeries, to covered persons on the basis of their  
5 gender expression, gender identity, or transgender status; to provide for related matters; to  
6 provide for an effective date; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 Article 7 of Chapter 4 of Title 49 of the Official Code of Georgia Annotated, relating to  
10 medical assistance generally provided as public assistance under social services, is amended  
11 by adding a new Code section to read as follows:

12 "49-4-159.2.

13 (a) For the purposes of this Code section, the term:

14 (1) 'Facial gender-affirming surgery' means a combination of procedures that allow a  
15 patient to have a more gender-affirming appearance, including injectables; fillers;  
16 forehead, cheek, or jaw contouring; lip augmentation; and rhinoplasty.

- 17 (2) 'Gender-affirming hormone therapy' means treatment that adds, alters, blocks, or  
18 removes hormones in order to facilitate gender transition.
- 19 (3) 'Gender expression' means a person's gender-related appearance and behavior,  
20 whether or not stereotypically associated with the person's assigned sex at birth.
- 21 (4) 'Gender identity' means a person's internal sense of their own gender, regardless of  
22 the sex the person was assigned at birth.
- 23 (5) 'Gender transition' means the process of changing a person's outward appearance,  
24 including physical sex characteristics, to accord with the person's actual gender identity.
- 25 (6) 'Hysterectomy' means a surgical operation to remove all or part of the uterus.
- 26 (7) 'Mammoplasty' means a surgical operation to alter the size or shape of the breast,  
27 including breast augmentation, breast reduction, and breast reconstruction.
- 28 (8) 'Mastectomy' means a surgical operation to remove all or part of the breast.
- 29 (9) 'Orchiectomy' means a surgical operation to remove one or both testicles.
- 30 (10) 'Phalloplasty' means surgical operations to construct a functional penis.
- 31 (11) 'Transgender status' means the status of a person who identifies as a gender different  
32 from the sex assigned to the person at birth.
- 33 (12) 'Vaginoplasty' means surgical operations to construct a functional vagina.
- 34 (13) 'Vocal training' means nonsurgical techniques to improve or modify the human  
35 voice, whether the goal is feminization, neutralization, or masculinization.
- 36 (b) Notwithstanding the provision of any other law or regulation to the contrary, any  
37 contract between an insurer and the department that provides benefits to persons who are  
38 eligible for Medicaid shall not contain any provision that discriminates, and the insurer  
39 shall not discriminate, on the basis of a covered person's or prospective covered person's  
40 gender expression, gender identity, or transgender status.
- 41 (c) The discrimination prohibited by this Code section shall include:

42 (1) Denying, cancelling, limiting, or refusing to issue or renew a contract on the basis of  
43 a covered person's or prospective covered person's gender expression, gender identity, or  
44 transgender status;

45 (2) Demanding or requiring a payment or premium that is based in whole or in part on  
46 a covered person's or prospective covered person's gender expression, gender identity, or  
47 transgender status;

48 (3) Designating a covered person's or prospective covered person's gender expression,  
49 gender identity, or transgender status, as a preexisting condition for which coverage will  
50 be denied or limited; or

51 (4) Denying or limiting coverage, or denying a claim, for services, including but not  
52 limited to the following, due to a covered person's gender expression, gender identity,  
53 transgender status, or seeking treatment for gender dysphoria:

54 (A) Healthcare services related to gender transition if coverage is available for surgical  
55 care, prescription medications, mental healthcare, or behavioral healthcare under the  
56 contract, including but not limited to:

57 (i) Facial gender-affirming surgery;

58 (ii) Gender-affirming hormone therapy;

59 (iii) Hysterectomy;

60 (iv) Mammoplasty;

61 (v) Mastectomy;

62 (vi) Orchiectomy;

63 (vii) Phalloplasty;

64 (viii) Vaginoplasty; and

65 (ix) Vocal training; or

66 (B) Healthcare services that are ordinarily or exclusively available to individuals of one  
67 sex when the denial or limitation is due only to the fact that the covered person is

68 enrolled as belonging to the other sex or has undergone, or is in the process of  
69 undergoing, gender transition.

70 (d) Nothing in this Code section shall preclude the insurer from performing utilization  
71 review, including periodic review of the medical necessity of a particular service."

72 **SECTION 2.**

73 This Act shall become effective upon its approval by the Governor or upon its becoming law  
74 without such approval.

75 **SECTION 3.**

76 All laws and parts of laws in conflict with this Act are repealed.