

By: Senator(s) Sojourner, Chism, McDaniel

To: Insurance

SENATE BILL NO. 2861

1 AN ACT TO AMEND SECTION 83-9-22, MISSISSIPPI CODE OF 1972, TO
2 PROHIBIT A HEALTH COVERAGE PLAN UNDER AN INSURANCE POLICY OR OTHER
3 PLAN PROVIDING HEALTHCARE COVERAGE IN THIS STATE FROM BEING
4 REQUIRED TO PROVIDE COVERAGE FOR ANY GENDER REASSIGNMENT SURGERY
5 OR SERVICE; AND FOR RELATED PURPOSES.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

7 **SECTION 1.** Section 83-9-22, Mississippi Code of 1972, is
8 amended as follows:

9 83-9-22. (1) (a) Notwithstanding any other provision of
10 the law to the contrary, except as otherwise provided in
11 subsection (3) of this section, no health coverage plan shall
12 restrict coverage for medically appropriate treatment prescribed
13 by a physician and agreed to by a fully informed insured, or if
14 the insured lacks legal capacity to consent by a person who has
15 legal authority to consent on his or her behalf, based on an
16 insured's diagnosis with a terminal condition. Refusing to pay
17 for treatment rendered to an insured near the end of life that is
18 consistent with best practices for treatment of a disease or
19 condition, approved uses of a drug or device, or uses supported by



20 peer reviewed medical literature, is a per se violation of this
21 section.

22 (b) Violations of this section shall constitute an
23 unfair trade practice and subject the violator to the penalties
24 provided by law.

25 (c) As used in this section "terminal condition" means
26 any aggressive malignancy, chronic end-stage cardiovascular or
27 cerebral vascular disease, or any other disease, illness or
28 condition which a physician diagnoses as terminal.

29 (d) As used in this section, a "health coverage plan"
30 shall mean any hospital, health or medical expense insurance
31 policy, hospital or medical service contract, employee welfare
32 benefit plan, contract or agreement with a health maintenance
33 organization or a preferred provider organization, health and
34 accident insurance policy, or any other insurance contract of this
35 type, including a group insurance plan and the State Health and
36 Life Insurance Plan.

37 (2) (a) Notwithstanding any other provision of the law to
38 the contrary, no health benefit paid directly or indirectly with
39 state funds, specifically Medicaid, shall restrict coverage for
40 medically appropriate treatment prescribed by a physician and
41 agreed to by a fully informed individual, or if the individual
42 lacks legal capacity to consent by a person who has legal
43 authority to consent on his or her behalf, based on an
44 individual's diagnosis with a terminal condition.



45 (b) Refusing to pay for treatment rendered to an
46 individual near the end of life that is consistent with best
47 practices for treatment of a disease or condition, approved uses
48 of a drug or device, or uses supported by peer reviewed medical
49 literature, is a per se violation of this section.

50 (c) As used in this section "terminal condition" means
51 any aggressive malignancy, chronic end-stage cardiovascular or
52 cerebral vascular disease, or any other disease, illness or
53 condition which a physician diagnoses as terminal.

54 (3) This section does not require a health coverage plan to
55 cover and pay for the treatment of a person who is a cardholder
56 and registered qualifying patient with medical cannabis that is
57 lawful under the Mississippi Medical Cannabis Act and in
58 compliance with rules and regulations adopted thereunder.

59 (4) A health coverage plan under an insurance policy or
60 other plan providing healthcare coverage in this state shall not
61 be required to provide coverage for any gender reassignment
62 surgery or service. As used in this section, "Gender reassignment
63 surgery or service" means any medical or surgical service that
64 seeks to surgically alter or otherwise remove healthy physical or
65 anatomical characteristics or features that are typical for the
66 individual's biological sex in order to instill or create
67 physiological or anatomical characteristics that resemble a sex
68 different from the individual's biological sex, including without
69 limitation, genital or nongenital gender reassignment surgery



70 performed for the purpose of assisting an individual with a gender
71 transition.

72 **SECTION 2.** This act shall take effect and be in force from
73 and after July 1, 2023.

