

By: Senator(s) Sojourner, Chism, McDaniel

To: Insurance; Medicaid

SENATE BILL NO. 2864

1 AN ACT TO CREATE NEW SECTION 43-13-117.7, MISSISSIPPI CODE OF
 2 1972, TO PROHIBIT THE DIVISION OF MEDICAID FROM REIMBURSING ANY
 3 ENTITY FOR PART OR ALL OF THE COSTS OF CARE AND SERVICES RENDERED
 4 FOR GENDER REASSIGNMENT SURGERY OR SERVICES; TO CREATE NEW SECTION
 5 83-9-401, MISSISSIPPI CODE OF 1972, TO PROHIBIT HEALTH COVERAGE
 6 PLANS THAT ARE FUNDED WHOLLY OR IN PART BY STATE FUNDS OR
 7 STATE-EMPLOYEE CONTRIBUTIONS FROM REIMBURSING OR AUTHORIZING
 8 PAYMENT OF PART OR ALL OF THE COSTS OF CARE AND SERVICES RENDERED
 9 BY ANY ENTITY FOR GENDER REASSIGNMENT SURGERY OR SERVICES; AND FOR
 10 RELATED PURPOSES.

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

12 **SECTION 1.** The following shall be codified as Section
 13 43-13-117.7, Mississippi Code of 1972:

14 (1) For purposes of this section, the following terms shall
 15 have the meanings ascribed herein:

16 (a) "Biological sex" means the biological indication of
 17 male and female in the context of reproductive potential or
 18 capacity, such as sex chromosomes, naturally occurring sex
 19 hormones, gonads and nonambiguous internal and external genitalia
 20 present at birth, without regard to an individual's psychological,
 21 chosen or subjective experience of gender;



22 (b) "Gender" means the psychological, behavioral,
23 social and cultural aspects of being male or female;

24 (c) "Gender reassignment surgery or service" means any
25 medical or surgical service that seeks to surgically alter or
26 otherwise remove healthy physical or anatomical characteristics or
27 features that are typical for the individual's biological sex in
28 order to instill or create physiological or anatomical
29 characteristics that resemble a sex different from the
30 individual's biological sex, including without limitation, genital
31 or nongenital gender reassignment surgery performed for the
32 purpose of assisting an individual with a gender transition.

33 (2) The division shall not authorize payment of part or all
34 of the costs of care and services rendered by any entity for
35 gender reassignment surgery or services.

36 **SECTION 2.** The following shall be codified as Section
37 83-9-401, Mississippi Code of 1972:

38 (1) For purposes of this section, the following terms shall
39 have the meanings ascribed herein:

40 (a) "Biological sex" means the biological indication of
41 male and female in the context of reproductive potential or
42 capacity, such as sex chromosomes, naturally occurring sex
43 hormones, gonads and nonambiguous internal and external genitalia
44 present at birth, without regard to an individual's psychological,
45 chosen or subjective experience of gender;



46 (b) "Gender" means the psychological, behavioral,
47 social and cultural aspects of being male or female;

48 (c) "Gender reassignment surgery or service" means any
49 medical or surgical service that seeks to surgically alter or
50 otherwise remove healthy physical or anatomical characteristics or
51 features that are typical for the individual's biological sex in
52 order to instill or create physiological or anatomical
53 characteristics that resemble a sex different from the
54 individual's biological sex, including without limitation, genital
55 or nongenital gender reassignment surgery performed for the
56 purpose of assisting an individual with a gender transition;

57 (d) "Health coverage plan" shall mean any health or
58 medical expense insurance policy, hospital or medical service
59 contract, employee welfare benefit plan, contract or agreement
60 with a health maintenance organization or a preferred provider
61 organization, health and accident insurance policy, including a
62 group insurance plan and the State Health Plan.

63 (2) No health coverage plan that is funded wholly or in part
64 by state funds or state-employee contributions shall reimburse or
65 authorize payment of part or all of the costs of care and services
66 rendered by any entity for gender reassignment surgery or
67 services.

68 **SECTION 3.** This act shall take effect and be in force from
69 and after July 1, 2023.

