

SENATE COMMERCE COMMITTEE

STATEMENT TO

SENATE, No. 3017

with committee amendments

STATE OF NEW JERSEY

DATED: MAY 15, 2017

The Senate Commerce Committee reports favorably and with committee amendments Senate Bill No. 3017.

This bill, with committee amendments, prohibits health insurers and health maintenance organizations, as well as health benefits plans or contracts which are issued or purchased pursuant to the New Jersey Individual Health Coverage Program, New Jersey Small Employer Health Benefits Program, State Health Benefits Program, School Employees' Health Benefits Program, and the Medicaid Program from discriminating in the provision of coverage on the basis of gender identity or expression. The prohibited discrimination relates to covered persons and prospective covered persons. This bill also prohibits contracts between certain health care providers who provide health care services to the State's inmate population, such as University Correctional Health Care, and the New Jersey Department of Corrections, the Juvenile Justice Commission, the State Parole Board, or any other State or local entity from discriminating in the provision of coverage on the basis of gender identity or expression.

The discrimination prohibited by this bill includes:

(1) denying, cancelling, limiting or refusing to issue or renew a contract or policy on the basis of a covered person's or prospective covered person's gender identity or expression, or for the reason that the covered person or prospective covered person is a transgender person;

(2) demanding or requiring a payment or premium that is based in whole or in part on a covered person's or prospective covered person's gender identity or expression, or for the reason that the covered person or prospective covered person is a transgender person;

(3) designating a covered person's or prospective covered person's gender identity or expression, or the fact that a covered person or prospective covered person is a transgender person, as a preexisting condition for which coverage will be denied or limited; or

(4) denying or limiting coverage, or denying a claim, for services including but not limited to the following, due to a covered person's gender identity or expression or for the reason that the covered person is a transgender person:

- health care services related to gender transition if coverage is available for those services under the contract or policy when the services are not related to gender transition, including but not limited to hormone therapy, hysterectomy, mastectomy, and vocal training; or
- health care services that are ordinarily or exclusively available to individuals of one sex when the denial or limitation is due only to the fact that the covered person is enrolled as belonging to the other sex or has undergone, or is in the process of undergoing, gender transition.

As amended and reported by the committee this bill is identical to Assembly Bill No 4568 (1R) as also amended and reported by the committee.

Committee Amendments:

The committee amendments:

- provide that health insurers, health maintenance organizations and others prohibited by the bill from discriminating in the provision of health care coverage based on gender identity are not precluded from performing utilization review, including periodic review of the medical necessity of a particular service; and
- clarify that contracts between any health care provider, including University Correctional Health Care, and a State or local entity, which contract provides health care services to the State's inmate population, shall not contain any provision that discriminates, and the State or local entity contracting for services must ensure there is no discrimination, on the basis of a person's gender identity or expression or on the basis that the person is a transgender person.