



131st MAINE LEGISLATURE

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Legislative Document

No. 1040

H.P. 676

House of Representatives, March 7, 2023

An Act to Require Reimbursement for Gender-affirming Care for MaineCare Members

Reference to the Committee on Health and Human Services suggested and ordered printed.


ROBERT B. HUNT
Clerk

Presented by Representative MOONEN of Portland.
Cosponsored by Representative RANA of Bangor, Senator BALDACCI of Penobscot and
Representatives: CRAVEN of Lewiston, GRAHAM of North Yarmouth, MADIGAN of
Waterville, MEYER of Eliot, SHAGOURY of Hallowell, ZAGER of Portland, Senator:
INGWERSEN of York.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 22 MRSA §3174-KKK** is enacted to read:

3 **§3174-KKK. Coverage for gender-affirming care**

4 **1. Definitions.** As used in this section, unless the context otherwise indicates, the
5 following terms have the following meanings.

6 A. "Gender expression" means an individual's gender-related appearance and
7 behavior, whether or not stereotypically associated with the sex assigned to the
8 individual at birth.

9 B. "Gender identity" means an individual's internal sense of that individual's gender,
10 regardless of the sex assigned to the individual at birth.

11 C. "Transgender individual" means an individual who identifies as a gender different
12 from the sex assigned to the individual at birth.

13 **2. Reimbursement.** The department shall provide reimbursement for medically
14 necessary treatment for or related to gender dysphoria as defined by the Diagnostic and
15 Statistical Manual of Mental Disorders, 5th edition, published by the American Psychiatric
16 Association or a comparable or equivalent diagnosis.

17 **3. Discrimination prohibited.** The department may not discriminate in its
18 reimbursement of medically necessary treatment on the basis of a MaineCare member's
19 gender identity or gender expression or on the basis that the MaineCare member is a
20 transgender individual.

21 **SUMMARY**

22 This bill prohibits the MaineCare program from discriminating in its reimbursement
23 for medically necessary treatment on the basis of a MaineCare member's gender identity,
24 gender expression or on the basis that the MaineCare member is a transgender individual
25 and requires that the program cover medically necessary treatment for or related to gender
26 dysphoria.