

119TH CONGRESS
2D SESSION

S. _____

To amend title XXVII of the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to require group health plans and health insurance issuers offering group or individual health insurance coverage that provide benefits for sex-rejecting procedures to provide benefits for items and services to address the harms caused by sex-rejecting procedures and to restore healthy human form and functioning, to the greatest extent practicable.

IN THE SENATE OF THE UNITED STATES

Mr. MARSHALL (for himself and Ms. LUMMIS) introduced the following bill; which was read twice and referred to the Committee on

A BILL

To amend title XXVII of the Public Health Service Act, the Employee Retirement Income Security Act of 1974, and the Internal Revenue Code of 1986 to require group health plans and health insurance issuers offering group or individual health insurance coverage that provide benefits for sex-rejecting procedures to provide benefits for items and services to address the harms caused by sex-rejecting procedures and to restore healthy human form and functioning, to the greatest extent practicable.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Treatment and Res-
3 toration Uniformity and Transparency in Health Coverage
4 Act of 2026” or the “TRUTH in Coverage Act of 2026”.

5 **SEC. 2. REQUIRING GROUP HEALTH PLANS AND HEALTH**
6 **INSURANCE ISSUERS OFFERING GROUP OR**
7 **INDIVIDUAL HEALTH INSURANCE COVERAGE**
8 **THAT PROVIDE BENEFITS FOR SEX-REJECT-**
9 **ING PROCEDURES TO PROVIDE BENEFITS**
10 **FOR ITEMS AND SERVICES TO ADDRESS THE**
11 **HARMS OF SUCH PROCEDURES.**

12 (a) PHSA.—Part D of title XXVII of the Public
13 Health Service Act (42 U.S.C. 300gg–111 et seq.) is
14 amended by adding at the end the following new section:

15 **“SEC. 2799A–12. REQUIRED COVERAGE OF ITEMS AND SERV-**
16 **ICES TO ADDRESS THE HARMS OF SEX-RE-**
17 **JECTING PROCEDURES.**

18 “(a) IN GENERAL.—A group health plan and a health
19 insurance issuer offering group or individual health insur-
20 ance coverage shall, in the case such plan or coverage pro-
21 vides benefits with respect to any sex-rejecting procedure,
22 also provide benefits for items and services furnished to
23 an individual who has received any such procedure to ad-
24 dress the harms of such procedure (including restorative
25 care), regardless of whether—

1 “(1) such individual received benefits with re-
2 spect to the sex-rejecting procedure under the indi-
3 vidual’s plan or coverage; or

4 “(2) such plan or issuer provides benefits under
5 the individual’s plan or coverage for the sex-rejecting
6 procedure.

7 “(b) APPLICATION OF FINANCIAL REQUIREMENTS
8 AND TREATMENT LIMITATIONS.—A group health plan
9 and a health insurance issuer offering group or individual
10 health insurance coverage shall ensure that, with respect
11 to items and services for which benefits to address the
12 harms of sex-rejecting procedures are required to be pro-
13 vided under such plan or coverage under subsection (a)—

14 “(1) the financial requirements applicable to
15 such items and services are no more restrictive than
16 the predominant financial requirements applied to
17 substantially all medical and surgical benefits cov-
18 ered by the plan or coverage and there are no sepa-
19 rate cost-sharing requirements that are applicable
20 only with respect to such items and services; and

21 “(2) the treatment limitations applicable to
22 such items and services are no more restrictive than
23 the predominant treatment limitations applied to
24 substantially all medical and surgical benefits cov-
25 ered by the plan or coverage and there are no sepa-

1 rate treatment limitations that are applicable only
2 with respect to such items and services.

3 “(c) DEFINITIONS.—In this section:

4 “(1) FEMALE.—Referring to a natural person,
5 the term ‘female’ means an individual characterized
6 by a reproductive system naturally organized to
7 produce (at maturity, absent disruption or con-
8 genital anomaly) large gametes (ova).

9 “(2) FINANCIAL REQUIREMENT; PREDOMINANT;
10 TREATMENT LIMITATION.—The terms ‘financial re-
11 quirement’, ‘predominant’, and ‘treatment limitation’
12 have the meaning given such terms in clauses (i)
13 through (iii), respectively, of section 2726(a)(3)(B),
14 except that the term ‘financial requirement’ shall in-
15 clude aggregate lifetime limits and annual limits.

16 “(3) MALE.—Referring to a natural person, the
17 term ‘male’ means an individual characterized by a
18 reproductive system naturally organized to produce
19 (at maturity, absent disruption or congenital anom-
20 aly) small gametes (sperm).

21 “(4) RESTORATIVE CARE.—The term ‘restora-
22 tive care’ means items and services furnished to an
23 individual who has received any sex-rejecting proce-
24 dure at any point during the individual’s lifetime to
25 address, mitigate, monitor, treat, or reverse the

1 harms, complications, and adverse effects of such
2 procedure, including interventions intended to re-
3 store, to the greatest extent practicable, healthy
4 human form and functioning. Such care includes
5 items and services furnished to address—

6 “(A) impaired reproductive capacity, di-
7 minished ovarian reserve, impaired spermatogenesis, or other reproductive-system injury;

9 “(B) endocrine dysfunction, hormonal im-
10 balance, hypogonadism, dependence on exoge-
11 nous hormones, or other disruption of healthy
12 endocrine function;

13 “(C) impaired sexual function, including
14 loss of sexual sensation, anorgasmia, erectile
15 dysfunction, genital pain, vaginal stenosis, di-
16 minished libido, or other sexual dysfunction;

17 “(D) urinary dysfunction, including uri-
18 nary incontinence, urinary retention, urethral
19 complications, recurrent urinary tract infec-
20 tions, or other genitourinary injury;

21 “(E) resultant vocal cord damage, perma-
22 nent voice changes, vocal dysfunction, or im-
23 paired speech;

24 “(F) female hirsutism, male-pattern
25 baldness, breast atrophy, breast development, or

1 other secondary-sex-characteristic changes
2 caused by cross-sex hormones;

3 “(G) osteoporosis, osteopenia, impaired
4 bone development, fractures, reduced bone den-
5 sity, or other skeletal disorders associated with
6 puberty suppression or cross-sex hormone use;

7 “(H) cardiovascular disease,
8 thromboembolic disease, hypertension, stroke,
9 myocardial infarction, metabolic syndrome, dia-
10 betes, or other cardiovascular or metabolic com-
11 plications associated with such procedures;

12 “(I) surgical complications, including infec-
13 tion, fistula formation, stenosis, tissue necrosis,
14 chronic pain, nerve damage, graft failure, im-
15 plant complications, wound complications, or
16 the need for revision surgery;

17 “(J) loss, removal, alteration, or impair-
18 ment of healthy reproductive organs, breasts,
19 genital structures, or other healthy tissues;

20 “(K) reconstructive, regenerative, pros-
21 thetic, plastic, or other surgical interventions
22 intended to restore healthy anatomy, appear-
23 ance, or physiological function;

24 “(L) rehabilitation services, including
25 speech therapy, physical therapy, occupational

1 therapy, pelvic floor therapy, sexual health
2 counseling, and other therapies intended to re-
3 store healthy functioning;

4 “(M) psychiatric or psychological condi-
5 tions associated with or exacerbated by such
6 procedures, including depression, anxiety, trau-
7 ma, suicidality, grief, regret, identity distress,
8 body-image disturbance, or dissociation;

9 “(N) diagnostic testing, specialist evalua-
10 tions, fertility assessments, hormone moni-
11 toring, cancer screening, and long-term medical
12 surveillance necessitated by altered anatomy or
13 prior exposure to puberty blockers, cross-sex
14 hormones, or sex-rejecting surgeries;

15 “(O) fertility services that seek to cooper-
16 ate with, or restore the healthy physiology and
17 anatomy of, the human reproductive system,
18 without the use of methods that circumvent
19 natural human functions, such as any treat-
20 ments or procedures that involve the handling
21 of a human egg or embryo outside the body;

22 “(P) breast cancer in men on estrogen and
23 certain cancers in women on testosterone; and

24 “(Q) any other physical, psychological, re-
25 productive, endocrine, neurologic, cardio-

1 vascular, musculoskeletal, or metabolic injury,
2 impairment, complication, or condition resulting
3 from or associated with a sex-rejecting proce-
4 dure.

5 “(5) SEX.—The term ‘sex’, when referring to
6 an individual’s sex, means to refer to either male or
7 female, as genetically determined at fertilization.

8 “(6) SEX-REJECTING PROCEDURE.—

9 “(A) IN GENERAL.—The term ‘sex-reject-
10 ing procedure’ means any medical or surgical
11 intervention for the purpose of attempting to
12 align an individual’s physical appearance or
13 body with an asserted identity that differs from
14 the individual’s sex, including—

15 “(i) gonadotropin-releasing hormone
16 (GnRH) agonists or any other puberty-
17 blocking or suppressing drugs to stop or
18 delay normal puberty;

19 “(ii) testosterone, dihydrotestosterone
20 (DHT), or other androgens, estrogen, pro-
21 gesterone, to an individual at doses that
22 are supraphysiologic to what would nor-
23 mally be produced endogenously in a
24 healthy individual of the same age and sex,
25 as well as anti-androgen medications;

- 1 “(iii) castration;
- 2 “(iv) orchiectomy;
- 3 “(v) scrotoplasty;
- 4 “(vi) implantation of erection or tes-
- 5 ticular prostheses;
- 6 “(vii) vasectomy;
- 7 “(viii) hysterectomy;
- 8 “(ix) oophorectomy;
- 9 “(x) ovariectomy;
- 10 “(xi) reconstruction of the fixed part
- 11 of the urethra with or without a
- 12 metoidioplasty or a phalloplasty;
- 13 “(xii) metoidioplasty;
- 14 “(xiii) penectomy;
- 15 “(xiv) phalloplasty;
- 16 “(xv) vaginoplasty;
- 17 “(xvi) clitoroplasty;
- 18 “(xvii) vaginectomy;
- 19 “(xviii) vulvoplasty;
- 20 “(xix) reduction thyrochondroplasty;
- 21 “(xx) chondrolaryngoplasty;
- 22 “(xxi) mastectomy;
- 23 “(xxii) tubal ligation;
- 24 “(xxiii) sterilization;

1 “(xxiv) any plastic, cosmetic, or aes-
2 thetic surgery that feminizes or
3 masculinizes the facial or other physio-
4 logical features of an individual;

5 “(xxv) any placement of chest im-
6 plants to create feminine breasts;

7 “(xxvi) any placement of fat or artifi-
8 cial implants in the gluteal region;

9 “(xxvii) augmentation mammoplasty;

10 “(xxviii) liposuction;

11 “(xxix) lipofilling;

12 “(xxx) voice surgery;

13 “(xxxi) hair reconstruction;

14 “(xxxii) pectoral implants; and

15 “(xxxiii) the removal of any otherwise
16 healthy or non-diseased body part or tis-
17 sue.

18 “(B) EXCEPTIONS.—The term ‘sex-reject-
19 ing procedure’ does not include the following
20 when furnished by a health care professional
21 with the consent of such individual or, if appli-
22 cable, such individual’s parents or legal guard-
23 ian:

24 “(i) Services to individuals born with
25 a medically verifiable disorder of sex devel-

1 opment, including an individual with exter-
2 nal sex characteristics that are irresolvably
3 ambiguous, such as an individual born with
4 46,XX chromosomes with virilization, an
5 individual born with 46,XY chromosomes
6 with undervirilization, or an individual
7 born having both ovarian and testicular
8 tissue.

9 “(ii) Services provided when a physi-
10 cian has otherwise diagnosed a disorder of
11 sex development in which the physician has
12 determined through genetic or biochemical
13 testing that the individual does not have
14 healthy sex chromosome structure, sex
15 steroid hormone production, or sex steroid
16 hormone action for a healthy individual of
17 the same sex and age.

18 “(iii) The treatment of any infection,
19 injury, disease, or disorder that has been
20 caused by or exacerbated by the perform-
21 ance of sex-rejecting procedures, whether
22 or not the sex-rejecting procedure was per-
23 formed in accordance with State and Fed-
24 eral law and whether or not funding for

1 the procedure is permissible under this sec-
2 tion.

3 “(iv) Any procedure undertaken be-
4 cause the individual suffers from a physical
5 disorder, physical injury, or physical illness
6 (but not claimed mental distress) that
7 would, as certified by a physician, place
8 the individual in imminent danger of death
9 or impairment of major bodily function,
10 unless the procedure is performed.

11 “(v) Puberty suppression or blocking
12 prescription drugs for the purpose of nor-
13 malizing puberty for a minor experiencing
14 precocious puberty.

15 “(vi) Male circumcision.”.

16 (b) ERISA.—

17 (1) IN GENERAL.—Subpart B of part 7 of sub-
18 title B of title I of the Employee Retirement Income
19 Security Act of 1974 (29 U.S.C. 1185 et seq.) is
20 amended by adding at the end the following new sec-
21 tion:

1 **“SEC. 727. REQUIRED COVERAGE OF ITEMS AND SERVICES**
2 **TO ADDRESS THE HARMS OF SEX-REJECTING**
3 **PROCEDURES.**

4 “(a) IN GENERAL.—A group health plan and a health
5 insurance issuer offering group health insurance coverage
6 shall, in the case such plan or coverage provides benefits
7 with respect to any sex-rejecting procedure, also provide
8 benefits for items and services furnished to an individual
9 who has received any such procedure to address the harms
10 of such procedure (including restorative care), regardless
11 of whether—

12 “(1) such individual received benefits with re-
13 spect to the sex-rejecting procedure under the indi-
14 vidual’s plan or coverage; or

15 “(2) such plan or issuer provides benefits under
16 the individual’s plan or coverage for the sex-rejecting
17 procedure.

18 “(b) APPLICATION OF FINANCIAL REQUIREMENTS
19 AND TREATMENT LIMITATIONS.—A group health plan
20 and a health insurance issuer offering group health insur-
21 ance coverage shall ensure that, with respect to items and
22 services for which benefits to address the harms of sex-
23 rejecting procedures are required to be provided under
24 such plan or coverage under subsection (a)—

25 “(1) the financial requirements applicable to
26 such items and services are no more restrictive than

1 the predominant financial requirements applied to
2 substantially all medical and surgical benefits cov-
3 ered by the plan or coverage and there are no sepa-
4 rate cost-sharing requirements that are applicable
5 only with respect to such items and services; and

6 “(2) the treatment limitations applicable to
7 such items and services are no more restrictive than
8 the predominant treatment limitations applied to
9 substantially all medical and surgical benefits cov-
10 ered by the plan or coverage and there are no sepa-
11 rate treatment limitations that are applicable only
12 with respect to such items and services.

13 “(c) DEFINITIONS.—In this section:

14 “(1) FEMALE.—Referring to a natural person,
15 the term ‘female’ means an individual characterized
16 by a reproductive system naturally organized to
17 produce (at maturity, absent disruption or con-
18 genital anomaly) large gametes (ova).

19 “(2) FINANCIAL REQUIREMENT; PREDOMINANT;
20 TREATMENT LIMITATION.—The terms ‘financial re-
21 quirement’, ‘predominant’, and ‘treatment limitation’
22 have the meaning given such terms in clauses (i)
23 through (iii), respectively, of section 712(a)(3)(B),
24 except that the term ‘financial requirement’ shall in-
25 clude aggregate lifetime limits and annual limits.

1 “(3) MALE.—Referring to a natural person, the
2 term ‘male’ means an individual characterized by a
3 reproductive system naturally organized to produce
4 (at maturity, absent disruption or congenital anom-
5 aly) small gametes (sperm).

6 “(4) RESTORATIVE CARE.—The term ‘restora-
7 tive care’ means items and services furnished to an
8 individual who has received any sex-rejecting proce-
9 dure at any point during the individual’s lifetime to
10 address, mitigate, monitor, treat, or reverse the
11 harms, complications, and adverse effects of such
12 procedure, including interventions intended to re-
13 store, to the greatest extent practicable, healthy
14 human form and functioning. Such care includes
15 items and services furnished to address—

16 “(A) impaired reproductive capacity, di-
17 minished ovarian reserve, impaired spermatog-
18 genesis, or other reproductive-system injury;

19 “(B) endocrine dysfunction, hormonal im-
20 balance, hypogonadism, dependence on exoge-
21 nous hormones, or other disruption of healthy
22 endocrine function;

23 “(C) impaired sexual function, including
24 loss of sexual sensation, anorgasmia, erectile

1 dysfunction, genital pain, vaginal stenosis, di-
2 minished libido, or other sexual dysfunction;

3 “(D) urinary dysfunction, including uri-
4 nary incontinence, urinary retention, urethral
5 complications, recurrent urinary tract infec-
6 tions, or other genitourinary injury;

7 “(E) resultant vocal cord damage, perma-
8 nent voice changes, vocal dysfunction, or im-
9 paired speech;

10 “(F) female hirsutism, male-pattern
11 baldness, breast atrophy, breast development, or
12 other secondary-sex-characteristic changes
13 caused by cross-sex hormones;

14 “(G) osteoporosis, osteopenia, impaired
15 bone development, fractures, reduced bone den-
16 sity, or other skeletal disorders associated with
17 puberty suppression or cross-sex hormone use;

18 “(H) cardiovascular disease,
19 thromboembolic disease, hypertension, stroke,
20 myocardial infarction, metabolic syndrome, dia-
21 betes, or other cardiovascular or metabolic com-
22 plications associated with such procedures;

23 “(I) surgical complications, including infec-
24 tion, fistula formation, stenosis, tissue necrosis,
25 chronic pain, nerve damage, graft failure, im-

1 plant complications, wound complications, or
2 the need for revision surgery;

3 “(J) loss, removal, alteration, or impair-
4 ment of healthy reproductive organs, breasts,
5 genital structures, or other healthy tissues;

6 “(K) reconstructive, regenerative, pros-
7 thetic, plastic, or other surgical interventions
8 intended to restore healthy anatomy, appear-
9 ance, or physiological function;

10 “(L) rehabilitation services, including
11 speech therapy, physical therapy, occupational
12 therapy, pelvic floor therapy, sexual health
13 counseling, and other therapies intended to re-
14 store healthy functioning;

15 “(M) psychiatric or psychological condi-
16 tions associated with or exacerbated by such
17 procedures, including depression, anxiety, trau-
18 ma, suicidality, grief, regret, identity distress,
19 body-image disturbance, or dissociation;

20 “(N) diagnostic testing, specialist evalua-
21 tions, fertility assessments, hormone moni-
22 toring, cancer screening, and long-term medical
23 surveillance necessitated by altered anatomy or
24 prior exposure to puberty blockers, cross-sex
25 hormones, or sex-rejecting surgeries;

1 “(O) fertility services that seek to cooper-
2 ate with, or restore the healthy physiology and
3 anatomy of, the human reproductive system,
4 without the use of methods that circumvent
5 natural human functions, such as any treat-
6 ments or procedures that involve the handling
7 of a human egg or embryo outside the body;

8 “(P) breast cancer in men on estrogen and
9 certain cancers in women on testosterone; and

10 “(Q) any other physical, psychological, re-
11 productive, endocrine, neurologic, cardio-
12 vascular, musculoskeletal, or metabolic injury,
13 impairment, complication, or condition resulting
14 from or associated with a sex-rejecting proce-
15 dure.

16 “(5) SEX.—The term ‘sex’, when referring to
17 an individual’s sex, means to refer to either male or
18 female, as genetically determined at fertilization.

19 “(6) SEX-REJECTING PROCEDURE.—

20 “(A) IN GENERAL.—The term ‘sex-reject-
21 ing procedure’ means any medical or surgical
22 intervention for the purpose of attempting to
23 align an individual’s physical appearance or
24 body with an asserted identity that differs from
25 the individual’s sex, including—

1 “(i) gonadotropin-releasing hormone
2 (GnRH) agonists or any other puberty-
3 blocking or suppressing drugs to stop or
4 delay normal puberty;

5 “(ii) testosterone, dihydrotestosterone
6 (DHT), or other androgens, estrogen, pro-
7 gesterone, to an individual at doses that
8 are supraphysiologic to what would be pro-
9 duced endogenously in a healthy individual
10 of the same age and sex, as well as anti-
11 androgen medications;

12 “(iii) castration;

13 “(iv) orchiectomy;

14 “(v) scrotoplasty;

15 “(vi) implantation of erection or tes-
16 ticular prostheses;

17 “(vii) vasectomy;

18 “(viii) hysterectomy;

19 “(ix) oophorectomy;

20 “(x) ovariectomy;

21 “(xi) reconstruction of the fixed part
22 of the urethra with or without a
23 metoidioplasty or a phalloplasty;

24 “(xii) metoidioplasty;

25 “(xiii) penectomy;

- 1 “(xiv) phalloplasty;
- 2 “(xv) vaginoplasty;
- 3 “(xvi) clitoroplasty;
- 4 “(xvii) vaginectomy;
- 5 “(xviii) vulvoplasty;
- 6 “(xix) reduction thyrochondroplasty;
- 7 “(xx) chondrolaryngoplasty;
- 8 “(xxi) mastectomy;
- 9 “(xxii) tubal ligation;
- 10 “(xxiii) sterilization;
- 11 “(xxiv) any plastic, cosmetic, or aes-
- 12 thetic surgery that feminizes or
- 13 masculinizes the facial or other physio-
- 14 logical features of an individual;
- 15 “(xxv) any placement of chest im-
- 16 plants to create feminine breasts;
- 17 “(xxvi) any placement of fat or artifi-
- 18 cial implants in the gluteal region;
- 19 “(xxvii) augmentation mammoplasty;
- 20 “(xxviii) liposuction;
- 21 “(xxix) lipofilling;
- 22 “(xxx) voice surgery;
- 23 “(xxxi) hair reconstruction;
- 24 “(xxxii) pectoral implants; and

1 “(xxxiii) the removal of any otherwise
2 healthy or non-diseased body part or tis-
3 sue.

4 “(B) EXCEPTIONS.—The term ‘sex-reject-
5 ing procedure’ does not include the following
6 when furnished by a health care professional
7 with the consent of such individual or, if appli-
8 cable, such individual’s parents or legal guard-
9 ian:

10 “(i) Services to individuals born with
11 a medically verifiable disorder of sex devel-
12 opment, including an individual with exter-
13 nal sex characteristics that are irresolvably
14 ambiguous, such as an individual born with
15 46,XX chromosomes with virilization, an
16 individual born with 46,XY chromosomes
17 with undervirilization, or an individual
18 born having both ovarian and testicular
19 tissue.

20 “(ii) Services provided when a physi-
21 cian has otherwise diagnosed a disorder of
22 sex development in which the physician has
23 determined through genetic or biochemical
24 testing that the individual does not have
25 healthy sex chromosome structure, sex

1 steroid hormone production, or sex steroid
2 hormone action for a healthy individual of
3 the same sex and age.

4 “(iii) The treatment of any infection,
5 injury, disease, or disorder that has been
6 caused by or exacerbated by the perform-
7 ance of sex-rejecting procedures, whether
8 or not the sex-rejecting procedure was per-
9 formed in accordance with State and Fed-
10 eral law and whether or not funding for
11 the procedure is permissible under this sec-
12 tion.

13 “(iv) Any procedure undertaken be-
14 cause the individual suffers from a physical
15 disorder, physical injury, or physical illness
16 (but not claimed mental distress) that
17 would, as certified by a physician, place
18 the individual in imminent danger of death
19 or impairment of major bodily function,
20 unless the procedure is performed.

21 “(v) Puberty suppression or blocking
22 prescription drugs for the purpose of nor-
23 malizing puberty for a minor experiencing
24 precocious puberty.

25 “(vi) Male circumcision.”.

1 (2) CLERICAL AMENDMENT.—The table of con-
2 tents in section 1 of the Employee Retirement In-
3 come Security Act of 1974 (29 U.S.C. 1001 note) is
4 amended by inserting after the item relating to sec-
5 tion 726 the following new item:

 “Sec. 727. Required coverage of items and services to address the harms of sex-
 rejecting procedures.”.

6 (c) IRC.—

7 (1) IN GENERAL.—Subchapter B of chapter
8 100 of the Internal Revenue Code of 1986 is amend-
9 ed by adding at the end the following new section:

10 **“SEC. 9827. REQUIRED COVERAGE OF ITEMS AND SERVICES**
11 **TO ADDRESS THE HARMS OF SEX-REJECTING**
12 **PROCEDURES.**

13 “(a) IN GENERAL.—A group health plan shall, in the
14 case such plan provides benefits with respect to any sex-
15 rejecting procedure, also provide benefits for items and
16 services furnished to an individual who has received any
17 such procedure to address the harms of such procedure
18 (including restorative care), regardless of whether—

19 “(1) such individual received benefits with re-
20 spect to the sex-rejecting procedure under the indi-
21 vidual’s plan; or

22 “(2) such plan provides benefits under the indi-
23 vidual’s plan for the sex-rejecting procedure.

1 “(b) APPLICATION OF FINANCIAL REQUIREMENTS
2 AND TREATMENT LIMITATIONS.—A group health plan
3 shall ensure that, with respect to items and services for
4 which benefits to address the harms of sex-rejecting proce-
5 dures are required to be provided under such plan under
6 subsection (a)—

7 “(1) the financial requirements applicable to
8 such items and services are no more restrictive than
9 the predominant financial requirements applied to
10 substantially all medical and surgical benefits cov-
11 ered by the plan and there are no separate cost-
12 sharing requirements that are applicable only with
13 respect to such items and services; and

14 “(2) the treatment limitations applicable to
15 such items and services are no more restrictive than
16 the predominant treatment limitations applied to
17 substantially all medical and surgical benefits cov-
18 ered by the plan and there are no separate treat-
19 ment limitations that are applicable only with re-
20 spect to such items and services.

21 “(c) DEFINITIONS.—In this section:

22 “(1) FEMALE.—Referring to a natural person,
23 the term ‘female’ means an individual characterized
24 by a reproductive system naturally organized to

1 produce (at maturity, absent disruption or con-
2 genital anomaly) large gametes (ova).

3 “(2) FINANCIAL REQUIREMENT; PREDOMINANT;
4 TREATMENT LIMITATION.—The terms ‘financial re-
5 quirement’, ‘predominant’, and ‘treatment limitation’
6 have the meaning given such terms in clauses (i)
7 through (iii), respectively, of section 9812(a)(3)(B),
8 except that the term ‘financial requirement’ shall in-
9 clude aggregate lifetime limits and annual limits.

10 “(3) MALE.—Referring to a natural person, the
11 term ‘male’ means an individual characterized by a
12 reproductive system naturally organized to produce
13 (at maturity, absent disruption or congenital anom-
14 aly) small gametes (sperm).

15 “(4) RESTORATIVE CARE.—The term ‘restora-
16 tive care’ means items and services furnished to an
17 individual who has received any sex-rejecting proce-
18 dure at any point during the individual’s lifetime to
19 address, mitigate, monitor, treat, or reverse the
20 harms, complications, and adverse effects of such
21 procedure, including interventions intended to re-
22 store, to the greatest extent practicable, healthy
23 human form and functioning. Such care includes
24 items and services furnished to address—

1 “(A) impaired reproductive capacity, di-
2 minished ovarian reserve, impaired spermatogenesis, or other reproductive-system injury;

4 “(B) endocrine dysfunction, hormonal imbalance, hypogonadism, dependence on exogenous hormones, or other disruption of healthy endocrine function;

8 “(C) impaired sexual function, including loss of sexual sensation, anorgasmia, erectile dysfunction, genital pain, vaginal stenosis, diminished libido, or other sexual dysfunction;

12 “(D) urinary dysfunction, including urinary incontinence, urinary retention, urethral complications, recurrent urinary tract infections, or other genitourinary injury;

16 “(E) resultant vocal cord damage, permanent voice changes, vocal dysfunction, or impaired speech;

19 “(F) female hirsutism, male-pattern baldness, breast atrophy, breast development, or other secondary-sex-characteristic changes caused by cross-sex hormones;

23 “(G) osteoporosis, osteopenia, impaired bone development, fractures, reduced bone den-

1 sity, or other skeletal disorders associated with
2 puberty suppression or cross-sex hormone use;

3 “(H) cardiovascular disease,
4 thromboembolic disease, hypertension, stroke,
5 myocardial infarction, metabolic syndrome, dia-
6 betes, or other cardiovascular or metabolic com-
7 plications associated with such procedures;

8 “(I) surgical complications, including infec-
9 tion, fistula formation, stenosis, tissue necrosis,
10 chronic pain, nerve damage, graft failure, im-
11 plant complications, wound complications, or
12 the need for revision surgery;

13 “(J) loss, removal, alteration, or impair-
14 ment of healthy reproductive organs, breasts,
15 genital structures, or other healthy tissues;

16 “(K) reconstructive, regenerative, pros-
17 thetic, plastic, or other surgical interventions
18 intended to restore healthy anatomy, appear-
19 ance, or physiological function;

20 “(L) rehabilitation services, including
21 speech therapy, physical therapy, occupational
22 therapy, pelvic floor therapy, sexual health
23 counseling, and other therapies intended to re-
24 store healthy functioning;

1 “(M) psychiatric or psychological condi-
2 tions associated with or exacerbated by such
3 procedures, including depression, anxiety, trau-
4 ma, suicidality, grief, regret, identity distress,
5 body-image disturbance, or dissociation;

6 “(N) diagnostic testing, specialist evalua-
7 tions, fertility assessments, hormone moni-
8 toring, cancer screening, and long-term medical
9 surveillance necessitated by altered anatomy or
10 prior exposure to puberty blockers, cross-sex
11 hormones, or sex-rejecting surgeries;

12 “(O) fertility services that seek to cooper-
13 ate with, or restore the healthy physiology and
14 anatomy of, the human reproductive system,
15 without the use of methods that circumvent
16 natural human functions, such as any treat-
17 ments or procedures that involve the handling
18 of a human egg or embryo outside the body;

19 “(P) breast cancer in men on estrogen and
20 certain cancers in women on testosterone; and

21 “(Q) any other physical, psychological, re-
22 productive, endocrine, neurologic, cardio-
23 vascular, musculoskeletal, or metabolic injury,
24 impairment, complication, or condition resulting

1 from or associated with a sex-rejecting proce-
2 dure.

3 “(5) SEX.—The term ‘sex’, when referring to
4 an individual’s sex, means to refer to either male or
5 female, as genetically determined at fertilization.

6 “(6) SEX-REJECTING PROCEDURE.—

7 “(A) IN GENERAL.—The term ‘sex-reject-
8 ing procedure’ means any medical or surgical
9 intervention for the purpose of attempting to
10 align an individual’s physical appearance or
11 body with an asserted identity that differs from
12 the individual’s sex, including—

13 “(i) gonadotropin-releasing hormone
14 (GnRH) agonists or any other puberty-
15 blocking or suppressing drugs to stop or
16 delay normal puberty;

17 “(ii) testosterone, dihydrotestosterone
18 (DHT), or other androgens, estrogen, pro-
19 gesterone, to an individual at doses that
20 are supraphysiologic to what would nor-
21 mally be produced endogenously in a
22 healthy individual of the same age and sex,
23 as well as anti-androgen medications;

24 “(iii) castration;

25 “(iv) orchiectomy;

- 1 “(v) scrotoplasty;
- 2 “(vi) implantation of erection or tes-
- 3 ticular prostheses;
- 4 “(vii) vasectomy;
- 5 “(viii) hysterectomy;
- 6 “(ix) oophorectomy;
- 7 “(x) ovariectomy;
- 8 “(xi) reconstruction of the fixed part
- 9 of the urethra with or without a
- 10 metoidioplasty or a phalloplasty;
- 11 “(xii) metoidioplasty;
- 12 “(xiii) penectomy;
- 13 “(xiv) phalloplasty;
- 14 “(xv) vaginoplasty;
- 15 “(xvi) clitoroplasty;
- 16 “(xvii) vaginectomy;
- 17 “(xviii) vulvoplasty;
- 18 “(xix) reduction thyrochondroplasty;
- 19 “(xx) chondrolaryngoplasty;
- 20 “(xxi) mastectomy;
- 21 “(xxii) tubal ligation;
- 22 “(xxiii) sterilization;
- 23 “(xxiv) any plastic, cosmetic, or aes-
- 24 thetic surgery that feminizes or

1 masculinizes the facial or other physio-
2 logical features of an individual;

3 “(xxv) any placement of chest im-
4 plants to create feminine breasts;

5 “(xxvi) any placement of fat or artifi-
6 cial implants in the gluteal region;

7 “(xxvii) augmentation mammoplasty;

8 “(xxviii) liposuction;

9 “(xxix) lipofilling;

10 “(xxx) voice surgery;

11 “(xxxi) hair reconstruction;

12 “(xxxii) pectoral implants; and

13 “(xxxiii) the removal of any otherwise
14 healthy or non-diseased body part or tis-
15 sue.

16 “(B) EXCEPTIONS.—The term ‘sex-reject-
17 ing procedure’ does not include the following
18 when furnished by a health care professional
19 with the consent of such individual or, if appli-
20 cable, such individual’s parents or legal guard-
21 ian:

22 “(i) Services to individuals born with
23 a medically verifiable disorder of sex devel-
24 opment, including an individual with exter-
25 nal sex characteristics that are irresolvably

1 ambiguous, such as an individual born with
2 46,XX chromosomes with virilization, an
3 individual born with 46,XY chromosomes
4 with undervirilization, or an individual
5 born having both ovarian and testicular
6 tissue.

7 “(ii) Services provided when a physi-
8 cian has otherwise diagnosed a disorder of
9 sex development in which the physician has
10 determined through genetic or biochemical
11 testing that the individual does not have
12 healthy sex chromosome structure, sex
13 steroid hormone production, or sex steroid
14 hormone action for a healthy individual of
15 the same sex and age.

16 “(iii) The treatment of any infection,
17 injury, disease, or disorder that has been
18 caused by or exacerbated by the perform-
19 ance of sex-rejecting procedures, whether
20 or not the sex-rejecting procedure was per-
21 formed in accordance with State and Fed-
22 eral law and whether or not funding for
23 the procedure is permissible under this sec-
24 tion.

1 “(iv) Any procedure undertaken be-
2 cause the individual suffers from a physical
3 disorder, physical injury, or physical illness
4 (but not claimed mental distress) that
5 would, as certified by a physician, place
6 the individual in imminent danger of death
7 or impairment of major bodily function,
8 unless the procedure is performed.

9 “(v) Puberty suppression or blocking
10 prescription drugs for the purpose of nor-
11 malizing puberty for a minor experiencing
12 precocious puberty.

13 “(vi) Male circumcision.”.

14 (2) CLERICAL AMENDMENT.—The table of sec-
15 tions for subchapter B of chapter 100 of the Inter-
16 nal Revenue Code of 1986 is amended by adding at
17 the end the following new item:

“Sec. 9827. Required coverage of items and services to address the harms of
sex-rejecting procedures.”.

18 (d) EFFECTIVE DATE.—The amendments made by
19 this section shall apply with respect to plan years begin-
20 ning on or after January 1, 2027.