

HB0193S02

inserted text shows text that was not in HB0193S02 but was inserted into HB0193S04

1 **Transgender Medical Procedures Amendments**
2026 GENERAL SESSION
STATE OF UTAH
Chief Sponsor: Nicholeen P. Peck
Senate Sponsor: Daniel McCay

General Description:

Highlighted Provisions:

▶ subject to a limited exception, prohibits ~~{the use of public funds to pay}~~ public employee
insurance from covering, or paying or reimbursing for the performance of , certain transgender medical
 treatments or procedures;

- ▶ **includes an indemnity provision; and**

- ▶ makes technical changes.

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Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

ENACTS:

~~{63G-29-301, Utah Code Annotated 1953}~~

63G-34-101, Utah Code Annotated 1953

63G-34-201, Utah Code Annotated 1953

63G-34-202, Utah Code Annotated 1953

63G-34-203, Utah Code Annotated 1953

AMENDS:

~~{63G-29-101, as last amended by Laws of Utah 2024, Chapter 438}~~

Be it enacted by the Legislature of the state of Utah:

~~{Section 1. Section 63G-29-101 is amended to read: }~~

CHAPTER 29. Limitations on Government

63G-29-101. Definitions.

As used in this chapter:

(1)

(a) "Governmental entity" means:

(i) the state;

(ii) a county, city, town, school district, special district, special service district, or other political subdivision of the state; or

(iii) an independent entity.

(b) "Governmental entity" includes an agency, bureau, office, department, division, board, commission, institution, laboratory, or other instrumentality of an entity described in Subsection (1)(a).

(2) "Independent entity" means the same as that term is defined in Section 63E-1-102.

(3) "Members of a person's social network" means the people a person authorizes to be part of the person's social media communications and network.

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(4) "Public funds" means the same as that term is defined in Section 51-7-3.

~~[(4)]~~ (5)

(a) "Social credit score" means a numeric, alphanumeric, or alphabetic value or other categorization assigned to a person based on:

(i) the person's:

(A) compliance or noncompliance with government guidance;

(B) social media post;

(C) participation or membership in a lawful club, association, or union;

(D) political affiliation; or

(E) employment industry or employer; or

(ii) the identity of the members of the person's social network.

(b) "Social credit score" does not include:

(i) a consumer report as defined in 15 U.S.C. Sec. 1681a;

(ii) compliance or noncompliance with statute, administrative rule, or other law; or

(iii) a numeric, alphanumeric, or alphabetic value or other categorization assigned to a person for:

(A) purposes of education, training, or job performance assessment;

(B) purposes of a contest or competition;

(C) purposes of hiring a prospective employee or independent contractor;

(D) purposes of issuance or taking an action against a professional license, certification, registration, or permit;

(E) purposes of a professional or tax audit; or

(F) use by a financial institution or an affiliate of a financial institution regulated under Title V of the Gramm-Leach-Bliley Act, 15 U.S.C. Sec. 6801 et seq., to determine risk of loss, impairment, or default.

Section 2. Section 2 is enacted to read:

Part 3. Limitations on Use of Public Funds

63G-29-301. Public funding for transgender treatment or procedure prohibited -- Exception -- Coverage for detransitioning.

(1) A governmental entity may not expend public funds to pay or otherwise reimburse, either directly or indirectly, any person for the performance of:

(a) a primary sex characteristic surgical procedure as defined in Section 58-67-102; or

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(b) a secondary sex change characteristic surgical procedure as defined in Section 58-67-102.
(2) A government entity that, before May 6, 2026, via insurance coverage, paid or otherwise reimbursed a person, either directly or indirectly, for the treatment or a surgical procedure described in Subsection (1) that was performed before May 6, 2026, to transition an individual from the individual's biological sex, the government entity shall offer the same type and amount of insurance coverage for treatment or a surgical procedure to restore that individual, to the extent possible, to that individual's biological sex.

Section 1. Section 1 is enacted to read:

CHAPTER 34. Limitations on Government

Part 1. General Provisions

63G-34-101. Definitions.

Reserved

Section 2. Section 2 is enacted to read:

Part 2. Limitations on Health Insurance Coverage

63G-34-201. Definitions.

As used in this part:

- (1) "Covered individual" means:
(a) an employee covered by public insurance; or
(b) an individual covered by public insurance as a dependent of an employee.
(2) "Employee" means an individual employed by a public employer.
(3) "Hormonal transgender treatment" means the same as that term is defined in Section 58-1-603.
(4) "Public employee insurance" means group health insurance coverage offered by a public employer to an eligible employee or a dependent of an eligible employee.
(5) "Public employer" means an employer that is:
(a) state government or a branch of state government;
(b) a political subdivision of the state;
(c) a subunit of an entity described in Subsection (5)(a) or (b); or
(d) a state institution of higher education.

Section 3. Section 3 is enacted to read:

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63G-34-202. Payment for transgender treatment or procedure using public employee insurance prohibited -- Exception -- Coverage for detransitioning.

(1) Public employee insurance may not, either directly or indirectly, offer coverage, or be used to pay or otherwise reimburse, for the performance of:

(a) except as provided in Subsection (2), hormonal transgender treatment;

(b) a primary sex characteristic surgical procedure as defined in Section 58-67-102; or

(c) a secondary sex change characteristic surgical procedure as defined in Section 58-67-102.

(2) If, on May 5, 2026, a covered individual was undergoing hormonal transgender treatment that was, as of that date, payable or reimbursable under public employee insurance, the covered individual may complete that course of treatment on the same terms of payment or reimbursement that were available for that course of treatment on May 5, 2026, until that course of treatment ends, if the physician overseeing that course of treatment determines that it is medically necessary to continue the course of treatment.

(3) If, before May 6, 2026, public employee insurance paid or otherwise reimbursed a person, either directly or indirectly, for the treatment or a surgical procedure described in Subsection (1) that was performed before May 6, 2026, to transition a covered individual from the individual's biological sex, public employee insurance shall offer the same type and amount of coverage for treatment or a surgical procedure to restore that covered individual, to the extent possible, to that covered individual's biological sex.

Section 4. Section 4 is enacted to read:

63G-34-203. Indemnification.

The state shall defend, indemnify, and hold harmless a person acting under color of state law to enforce this part for any claims or damages, including court costs and attorney fees, that:

(1) are brought or incurred as a result of this part; and

(2) are not covered by the person's insurance policies or by a coverage agreement issued by the State Risk Management Fund.

Section 5. Effective date.

Effective Date.

This bill takes effect on May 6, 2026.

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