

SENATE BILL 1339

By Johnson

AN ACT to amend Tennessee Code Annotated, Title 4;
Title 56; Title 68 and Title 71, relative to managed
care organizations.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 71, Chapter 5, Part 1, is amended by
adding the following as a new section:

(a) A managed care organization (MCO) that contracts with the bureau of
TennCare to provide medical assistance pursuant to this part shall not provide
reimbursement or coverage for a medical procedure if the performance or administration
of the procedure is for the purpose of:

- (1) Enabling a person to identify with, or live as, a purported identity
inconsistent with the person's sex; or
- (2) Treating purported discomfort or distress from a discordance between
a person's sex and asserted identity.

(b) The prohibition in subsection (a) applies to an MCO's coverage or
reimbursement for medical expenses through:

- (1) The bureau of TennCare;
- (2) Any private health insurance program regulated by this state;
- (3) Any state or local insurance program; and
- (4) Any other program for insurance or medical assistance regulated or
administered by another state.

(c) Within thirty (30) days of the effective date of this act, the bureau of TennCare shall appropriately revise or amend the contract between a managed care organization (MCO) and the bureau of TennCare to comply with subsection (a).

(d) An MCO that is in violation of this section and is contracting with the bureau of TennCare to provide medical assistance pursuant to this part on the effective date of this act shall come into compliance with this section no later than ninety (90) days after the effective date of this act. If an MCO contracting with the bureau of TennCare to provide medical assistance pursuant to this part violates this section or fails to remedy a violation within ninety (90) days after the effective date of this act, then the MCO is no longer eligible to provide medical assistance pursuant to this part.

(e) As used in this section:

(1) "Hormone" means an androgen or estrogen;

(2) "Managed care organization" or "MCO" means a health maintenance organization, behavioral health organization, or managed health insurance issuer that participates in the TennCare program;

(3) "Medical procedure" means:

(A) Surgically removing, modifying, altering, or entering into tissues, cavities, or organs of a human being; or

(B) Prescribing, administering, or dispensing any puberty blocker or hormone to a human being;

(4) "Puberty blocker" means a drug or device that suppresses the production of hormones in a minor's body to stop, delay, or suppress pubertal development; and

(5) "Sex" means a person's immutable characteristics of the reproductive system that define the individual as male or female, as determined by anatomy and genetics existing at the time of birth.

SECTION 2. This act takes effect upon becoming a law, the public welfare requiring it.