

The House Committee on Health offers the following substitute to SB 39:

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 18 of Title 45, Chapter 4 of Title 49, and Chapter 1 of Title 50 of the
2 Official Code of Georgia Annotated, relating to the employees' insurance and benefits plans,
3 public assistance, and general provisions relative to state government, respectively, so as to
4 prohibit coverage of expenses for any transition related intervention under the state health
5 benefit plan or with any state funds; to provide for definitions; to prohibit state healthcare
6 facilities and healthcare providers employed by the state from providing any transition
7 related intervention; to prohibit correctional facilities owned or operated by the state and
8 healthcare providers employed at such facilities from providing any transition related
9 intervention; to provide for related matters; to provide for legislative findings; to provide for
10 an effective date; to repeal conflicting laws; and for other purposes.

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

12 **SECTION 1.**

13 The General Assembly finds that:

14 (1) The State of Georgia has taken measures to protect individuals from a radical gender
15 ideology that has, among other things, resulted in a massive unexplained rise in diagnoses
16 of gender dysphoria;

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17 (2) Senate Bill 140 enacted by the General Assembly in the 2023 regular session broadly
18 banned procedures or treatments performed for the purpose of enabling a minor to
19 identify with or live as a purported identity inconsistent with such minor's sex or treating
20 purported discomfort or distress from a discordance between a minor's sex and asserted
21 identity, and similar bills from other states have been upheld by a federal appeals court;
22 and

23 (3) It is the policy of the State of Georgia that these procedures or treatments shall
24 neither be covered by the state health benefit plan nor otherwise paid for through the use
25 of any state funds.

26 SECTION 2.

27 Chapter 18 of Title 45 of the Official Code of Georgia Annotated, relating to employees'
28 insurance and benefits plans, is amended by adding a new Code section to read as follows:

29 "45-18-4.2.

30 (a) As used in this Code section, the term:

31 (1) 'Congenital defect' means a physical or chemical abnormality present from birth in
32 a minor that is inconsistent with the normal development of a human being of such
33 minor's sex, including abnormalities caused by a medically verifiable disorder of sex
34 development. Such term does not include gender dysphoria, gender identity disorder,
35 gender incongruence, or any mental condition, disorder, disability, or abnormality.

36 (2) 'Medical procedure' means a surgical procedure or nonsurgical treatment consisting
37 of:

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

40 (B) Prescribing, administering, or dispensing any supraphysiological hormone dosage
41 to a human being.

42 (3) 'Sex' means an individual's immutable characteristics of the reproductive system that
43 define such individual as male or female, as determined by anatomy and genetics existing
44 at the time of birth.

45 (4) 'State health plan' means any healthcare benefits provided pursuant to Subpart 2 of
46 Part 6 of Article 17 of Chapter 2 of Title 20, Subpart 3 of Part 6 of Article 17 of
47 Chapter 2 of Title 20, Code Section 31-2-4, and Article 1 of Chapter 18 of this title.

48 (5) 'Transition related intervention' means any medical procedure performed for the
49 purpose of:

50 (A) Enabling an individual to identify with or live as a purported identity inconsistent
51 with such individual's sex; or

52 (B) Treating an individual's purported discomfort or distress from a discordance
53 between such individual's sex and asserted identity.

54 (b) On or after January 1, 2026, the state health plan shall not include expenses for any
55 transition related intervention except as provided in subsection (c) of this Code section.

56 (c) The board shall adopt rules and regulations regarding the exclusion of expenses for any
57 transition related intervention as provided for in subsection (b) of this Code section;
58 provided, however, that it is not a violation of this Code section if a healthcare provider
59 performs or administers a medical procedure for the purpose of treating:

60 (1) A minor's congenital defect, precocious puberty, disease, or physical injury;
61 provided, however, that the term 'disease' does not include gender dysphoria, gender
62 identity disorder, gender incongruence, or any mental condition, disorder, disability, or
63 abnormality; and

64 (2) Any infection, injury, disease, or disorder that has been caused or exacerbated by the
65 performance of a medical procedure, including a transition related intervention, whether
66 or not such procedure was performed in accordance with federal or state law; provided,
67 however, that the purpose of such medical procedure shall not be to continue any

68 transition related intervention for gender dysphoria, gender identity disorder, gender
69 incongruence, or any mental condition, disorder, disability, or abnormality."

70 **SECTION 3.**

71 Chapter 4 of Title 49 of the Official Code of Georgia Annotated, relating to public assistance,
72 is amended by adding a new Code section to read as follows:

73 "49-4-159.5.

74 The department shall prohibit the coverage of any transition related intervention as
75 provided for in Code Section 45-18-4.2 for recipients of medical assistance."

76 **SECTION 4.**

77 Chapter 1 of Title 50 of the Official Code of Georgia Annotated, relating to general
78 provisions relative to state government, is amended by adding a new Code section to read as
79 follows:

80 "50-1-14.

81 (a) No state funds shall be expended for health benefits coverage that includes coverage
82 for any transition related intervention as provided for in Code Section 45-18-4.2.

83 (b) No healthcare facility owned or operated by the state and no physician or other
84 healthcare provider employed by an agency or entity of this state shall provide any
85 transition related intervention as provided for in Code Section 45-18-4.2.

86 (c) No correctional facility owned or operated by the state and no physician or other
87 healthcare provider employed by such facility shall provide any transition related
88 intervention as provided for in Code Section 45-18-4.2 to any individual incarcerated at
89 such facility.

90 (d) Nothing in this Code section shall be construed as:

91 (1) Prohibiting any individual, entity, or local government from purchasing separate
92 coverage for any transition related intervention or health benefits coverage that includes

93 any transition related intervention, provided that such coverage is paid for entirely using
94 only funds not authorized or appropriated by the state; or
95 (2) Restricting the ability of any nonstate health benefits coverage provider from offering
96 coverage for any transition related intervention or the ability of a local government to
97 contract separately with such a provider for such coverage, provided that such coverage
98 is paid for entirely using only funds not authorized or appropriated by the state."

99 **SECTION 5.**

100 This Act shall become effective upon its approval by the Governor or upon its becoming law
101 without such approval.

102 **SECTION 6.**

103 All laws and parts of laws in conflict with this Act are repealed.