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**Testimony of the Connecticut Bar Association
Human Rights and Responsibilities Section to the**

IN OPPOSITION

**House Bill 5193: An Act Concerning Health
Insurance Coverage for Gender Reassignment Surgery**

INSURANCE AND REAL ESTATE COMMITTEE

Tuesday, February 24, 2015

Senator Crisco, Representative Megna, Senator Hartley, Representative Zoni and members of the Insurance and Real Estate Committee the Connecticut Bar Association's Human Rights and Responsibilities Section joins with the Connecticut Bar Association's Lesbian Gay Bisexual and Transgender Section in opposing House Bill 5193: An Act Concerning Health Insurance Coverage for Gender Reassignment Surgery.

The Human Rights and Responsibilities Section has for at least six years pursued support legislation that would provide protection against discrimination on the basis of Gender Identity or Gender Expression.

Since its 2000 Doe Declaratory Ruling, the Connecticut Commission on Human Rights has interpreted the state law protected status of gender to include protections on the basis of gender identity. Thereafter, the Human Rights and Responsibilities Section sought legislation to formally acknowledge the protected status gender identity and to provide clear protection against discrimination under the state's law. In 2011, Public Act 11-55 was enacted and it established a formal protected status of *gender identity or expression* and it provided broad scoped protections against any type of discrimination including different treatment because of gender identity or expression status. Public Act 11-55 essentially codified the CHRO's Doe Declaratory Ruling as it amended numerous statutes which prohibited discrimination on the basis of sex, situated throughout the General Statutes, by adding the protected status of gender identity or expression to follow the protected status of sex.

Since 2000, a number of federal courts have also viewed protections against discrimination on the basis of sex (Title VII of the Civil Rights Act of 1964 as amended, 42 U.S.C. 200e et seq.) to extend to gender identity. The U.S Office of Federal Contract Compliance Programs (OFCCP), the U.S. Equal Employment Opportunity Commission (EEOC) and the U.S. Department of Housing and Urban Development (HUD) have also issued regulations and/or directives to extend protection against discrimination on the basis of gender to include gender identity. However, against the backdrop of growing legal protections against discrimination on the basis of gender identity, this proposed bill now seeks to deprive individuals of insurance coverage for essential treatment addressing conditions related to gender identity.

This proposed bill seeks to sever out rights to health care coverage on the basis of gender identity or expression. The bill would allow insurance companies to exclude coverage for the treatment of gender reassignment surgery. This exclusion discriminates against persons on the basis of gender identity or expression as only a person whose gender or expression is different from their birth gender identity would seek the treatment of gender reassignment surgery. Further, the treatment of gender reassignment surgery is serious treatment that is only ordered when the individual's health care provider deems the treatment to be necessary. Therefore, this bill singles out people on the basis of gender identity and expression and would deprive them of insurance coverage to have medically necessary treatments. The CHRO's 2000 Doe Declaratory Ruling (p.20) concluded that "[P]rejudice and bigotry unfortunately are still prevalent in our society and they are facts to which we cannot close our eyes and pretend they do not exist." Denying these types of benefits that only apply to people on the basis of their gender identity compares to the denial of insurance coverage for pregnancy benefits, benefits only applicable to women.

The Human Rights and Responsibilities Section therefore joins the LGBT Section in opposing House Bill 5193: An Act Concerning Health Insurance Coverage for Gender Reassignment Surgery and respectfully urges the members of the Insurance and Real Estate Committee to vote against it.

Human Rights and Responsibilities Section
of the Connecticut Bar Association

Barbara Collins
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