

119TH CONGRESS  
1ST SESSION

**S.** \_\_\_\_\_

To amend the Patient Protection and Affordable Care Act to exclude coverage of gender-transition procedures for minors and abortion under health plans offered through the American Health Benefits Exchanges, and for other purposes.

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IN THE SENATE OF THE UNITED STATES

\_\_\_\_\_  
Mr. HAWLEY introduced the following bill; which was read twice and referred to the Committee on \_\_\_\_\_

\_\_\_\_\_  
**A BILL**

To amend the Patient Protection and Affordable Care Act to exclude coverage of gender-transition procedures for minors and abortion under health plans offered through the American Health Benefits Exchanges, and for other purposes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Prohibiting Abortion  
5 & Transgender Procedures on the Exchanges Act”.

1 **SEC. 2. EXCLUSION OF GENDER-TRANSITION PROCEDURES**  
2 **FOR MINORS AND ABORTION FROM COV-**  
3 **ERAGE UNDER HEALTH PLANS OFFERED**  
4 **THROUGH THE AMERICAN HEALTH BENEFITS**  
5 **EXCHANGES.**

6 (a) IN GENERAL.—Section 1303 of the Patient Pro-  
7 tection and Affordable Care Act (42 U.S.C. 18023) is  
8 amended—

9 (1) in subsection (a)—

10 (A) by striking paragraph (2); and

11 (B) by striking the subsection designation  
12 and heading and all that follows through “A  
13 State” in paragraph (1) and inserting the fol-  
14 lowing:

15 “(a) STATE OPT-OUT OF ABORTION COVERAGE.—A  
16 State”;

17 (2) in subsection (b), by striking the subsection  
18 designation and heading and all that follows through  
19 “No qualified” in paragraph (4) and inserting the  
20 following:

21 “(b) NO DISCRIMINATION ON BASIS OF PROVISION  
22 OF ABORTION.—No qualified”;

23 (3) in subsection (c)—

24 (A) in paragraph (2)—

25 (i) by striking the paragraph designa-  
26 tion and heading and all that follows

1 through “Nothing” in subparagraph (A)  
2 and inserting the following:

3 “(2) NO EFFECT ON FEDERAL LAWS REGARD-  
4 ING ABORTION.—Nothing”; and

5 (ii) by redesignating clauses (i)  
6 through (iii) as subparagraphs (A) through  
7 (C), respectively, and adjusting the mar-  
8 gins accordingly;

9 (B) by striking the subsection designation  
10 and heading and all that follows through the  
11 end of paragraph (1) and inserting the fol-  
12 lowing:

13 “(c) APPLICATION OF FEDERAL LAWS.—”; and

14 (C) by redesignating paragraphs (2) and  
15 (3) as paragraphs (1) and (2), respectively;

16 (4) by redesignating subsections (a) through (d)  
17 as subsections (b) through (e), respectively; and

18 (5) by inserting before subsection (b) (as so re-  
19 designated) the following:

20 “(a) PROHIBITION ON COVERAGE OF GENDER-TRAN-  
21 SITION PROCEDURES FOR MINORS AND ABORTION.—

22 “(1) IN GENERAL.—An Exchange may not  
23 make available any health plan, including any health  
24 plan offering excepted benefits (as defined in section

1        2791(c) of the Public Health Service Act), that pro-  
2        vides coverage for—

“(A) abortion, except in the case where a woman suffers from a physical disorder, physical injury, or physical illness that would, as certified by a physician, place the woman in danger of death unless an abortion is performed, including a life-endangering physical condition caused by or arising from the pregnancy itself, or unless the pregnancy is the result of an act of rape or incest; or

12 “(B) gender-transition procedures for mi-  
13 nors.

14 “(2) DEFINITIONS.—In this subsection:

15 “(A) GENDER-TRANSITION PROCEDURE.—

“**(i) IN GENERAL.**—Except as provided in clause (ii), the term ‘gender-transition procedure’ means—

“(I) the prescription or administration of gonadotropin-releasing hormone agonists or any other puberty-blocking drugs for the purpose of changing the body of an individual so that it conforms to the subjective sense of identity of the individual, in

1 the case such identity is at odds with  
2 the individual's biological sex of male  
3 or female;

4 “(II) the prescription or adminis-  
5 tration of testosterone (when pre-  
6 scribed to a female) or estrogen (when  
7 prescribed to a male) for the purpose  
8 of changing the body of an individual  
9 so that it conforms to the subjective  
10 sense of identity of the individual, in  
11 the case such identity is at odds with  
12 the individual's biological sex of male  
13 or female; or

14 “(III) a surgery to change the  
15 body of an individual so that it con-  
16 forms to the subjective sense of iden-  
17 tity of the individual, in the case such  
18 identity is at odds with the individ-  
19 ual's biological sex of male or female.

20 “(ii) EXCEPTION.—The term ‘gender-  
21 transition procedure’ does not include—

22 “(I) an intervention described in  
23 clause (i) that is performed on—

24 “(aa) an individual with bio-  
25 logical sex characteristics that

1 are inherently ambiguous, such  
2 as those born with 46 XX chro-  
3 mosomes with virilization, 46 XY  
4 chromosomes with  
5 undervirilization, or having both  
6 ovarian and testicular tissue; or

7 “(bb) an individual with re-  
8 spect to whom a physician has  
9 determined through genetic or  
10 biochemical testing that the indi-  
11 vidual does not have normal sex  
12 chromosome structure, sex ster-  
13 oid hormone production, or sex  
14 steroid hormone action, for a bio-  
15 logical male or biological female;

16 “(II) the treatment of any infec-  
17 tion, injury, disease, or disorder that  
18 has been caused or exacerbated by the  
19 performance of an intervention de-  
20 scribed in clause (i) without regard to  
21 whether the intervention was per-  
22 formed in accordance with State or  
23 Federal law; or

24 “(III) any procedure undertaken  
25 because the individual suffers from a

1 physical disorder, physical injury, or  
2 physical illness that would, as certified  
3 by a physician, place the individual in  
4 imminent danger of death or impair-  
5 ment of major bodily function unless  
6 the procedure is performed.

7 “(B) MINOR.—The term ‘minor’ means an  
8 individual who has not yet reached 18 years of  
9 age.”.

10 (b) CONFORMING AMENDMENT.—Section 1334(a)  
11 (42 U.S.C. 18054(a)) is amended—

12 (1) by striking paragraph (6); and

13 (2) by redesignating paragraph (7) as para-  
14 graph (6).

15 (c) EFFECTIVE DATE.—The amendments made by  
16 this section shall apply with respect to plan years begin-  
17 ning on or after January 1, 2026.