

1 H.576
2 Introduced by Representatives Berbeco of Winooski, Bluemle of Burlington,
3 and Headrick of Burlington
4 Referred to Committee on
5 Date:
6 Subject: Executive; State Treasurer; gender-affirming health care services;
7 Affirming Health Care Trust Fund
8 Statement of purpose of bill as introduced: This bill proposes to establish the
9 Affirming Health Care Trust Fund, to be administered by the State Treasurer,
10 to provide monetary awards to cover costs associated with receiving and
11 providing gender-affirming health care services.

12 An act relating to establishing the Affirming Health Care Trust Fund for
13 costs related to gender-affirming health care services

14 It is hereby enacted by the General Assembly of the State of Vermont:

15 Sec. 1. 3 V.S.A. chapter 18A is added to read:

16 CHAPTER 18A. AFFIRMING HEALTH CARE TRUST FUND

17 § 551. DEFINITIONS

18 As used in this chapter:

19 (1)(A) “Gender-affirming health care services” means all supplies, care,
20 and services of a medical, behavioral health, mental health, surgical,

1 psychiatric, therapeutic, diagnostic, preventative, rehabilitative, or supportive
2 nature, including medication, designed to support and affirm an individual's
3 gender identity.

4 (B) "Gender-affirming health care services" does not include:

5 (i) conversion therapy as defined by 18 V.S.A. § 8351; or
6 (ii) surgical interventions on minors who have variations in their
7 sex characteristics if they have not personally sought and initiated such
8 treatment.

9 (2) "Health care provider" means an individual, partnership,
10 corporation, facility, or institution licensed, certified, or otherwise authorized
11 by law to provide professional health care services in this State to an individual
12 during that individual's medical care, treatment, or confinement.

13 (3) "Health care services" means services for the diagnosis, prevention,
14 treatment, cure, or relief of a physical or mental health condition, including
15 counseling, procedures, products, devices, and medications.

16 (4) "Health information" means any information that relates to the past,
17 present, or future physician or mental health or condition of an individual; the
18 provision of health care services to an individual; or the past, present, or future
19 payment for the provision of health care services to an individual.

20 (5) "Nonprofit organization" means an organization with tax-exempt
21 status under 26 U.S.C. § 501(c)(3).

1 (6) “Patient-identifiable data” means any information, including health
2 information, that identifies or may reasonably be used as a basis to identify an
3 individual patient.

4 § 552. AFFIRMING HEALTH CARE TRUST FUND PROGRAM

5 (a) There is created the Affirming Health Care Trust Fund Program to
6 provide monetary awards to pay for and support access to gender-affirming
7 health care services.

8 (b) The Affirming Health Care Trust Fund Program is authorized to
9 provide monetary awards directly to:

10 (1) health care providers who provide or are seeking to provide gender-
11 affirming health care services in Vermont; and

12 (2) nonprofit organizations whose missions include increasing access to
13 gender-affirming health care services in Vermont.

14 (c) Monetary awards shall be used:

15 (1) to pay for costs associated with providing and receiving gender-
16 affirming health care services, including:

17 (A) support for providers of gender-affirming health care services
18 and relevant nonprofit organizations in order to increase access to gender-
19 affirming health care services;

20 (B) paying for care that would otherwise be uncompensated;

9 (d) The unexpended balance in the Fund at the end of the fiscal year shall
10 remain available for expenditure in future fiscal years. No sums shall be
11 expended from the Fund that would cause the Fund to be in a deficit at any
12 time.

13 (e) The monetary award process shall not require the collection or retention
14 of any patient-identifiable data.

1 (g)(1) Nothing in this section shall be construed to permit the Office of the
2 Treasurer, the Affirming Health Care Trust Fund Board, or any other State
3 actor to disclose patient-identifiable data, the identity of health care providers
4 who provide gender-affirming health care services, or the identity of award
5 applicants or recipients, including nonprofit organizations, to the federal
6 government, to the government of another state or instrumentality of a state, or
7 to any other public or private person for any purpose other than facilitating
8 monetary awards through the Affirming Health Care Trust Fund Program or a
9 similar program for the purposes set forth in subsection (c) of this section.

10 (2) Under no circumstances shall patient-identifiable data, the identity of
11 health care providers who provide gender-affirming health care services, or the
12 identity of award applicants or recipients, including nonprofit organizations, be
13 provided to any person for the purpose of engaging in abusive litigation as
14 defined in 12 V.S.A. § 7301.

15 § 553. AFFIRMING HEALTH CARE TRUST FUND

16 (a) There is established the Affirming Health Care Trust Fund as a special
17 fund pursuant to 32 V.S.A. chapter 7, subchapter 5, to be administered by the
18 Treasurer. The purpose of the Fund is to provide funds for and support the
19 administration of the Affirming Health Care Trust Fund Program established in
20 this chapter.

1 (b) The Fund may receive State appropriations, gifts, grants, federal funds,
2 and funds from any other public or private source. Monies from the Fund may
3 be expended for monetary awards and for administrative and related purposes.

4 (c)(1) Notwithstanding any provision of 32 V.S.A. chapter 7, subchapter 5
5 to the contrary, interest earned by the Fund shall remain in the Fund.

6 (2) The Treasurer's annual financial report to the Governor and the
7 General Assembly shall contain an accounting of the receipts, disbursements,
8 and earnings of the Fund; provided, however, that disbursement information
9 shall not be reported in a manner that allows for the identification of any
10 specific patient, health care provider, or nonprofit organization.

11 (3) Patient-identifiable data and information relating to the identity of
12 applicants and award recipients is exempt from public inspection and copying
13 under the Public Records Act and shall be kept confidential.

14 **§ 554. AFFIRMING HEALTH CARE TRUST FUND BOARD**

15 (a) The Affirming Health Care Trust Fund shall be overseen by the
16 Affirming Health Care Trust Fund Board, which shall be composed of nine
17 members as follows:

18 (1) The State Treasurer or designee, who shall serve as chair.
19 (2) A member, appointed by the Commissioner of Vermont Health
20 Access.

1 (3) A member, appointed by the American Civil Liberties Union
2 Foundation of Vermont, who shall be an individual who has received gender-
3 affirming health care services.

4 (4) A member, appointed by the Vermont Medical Society, who shall be
5 a health care provider with experience providing gender-affirming health care
6 services to adults.

7 (5) A member, appointed by the American Academy of Pediatrics
8 Vermont Chapter, who shall be a health care provider with experience
9 providing gender-affirming health care services to minors.

10 (6) Four members, appointed by one or more organizations selected by
11 the State Treasurer whose missions include increasing access to gender-
12 affirming health care services in Vermont, who shall be individuals who have
13 received gender-affirming health care services or who are parents or guardians
14 who have navigated access to gender-affirming health care services for their
15 children.

16 (b) The Board shall adopt policies and procedures for the allocation of
17 monies from the Fund in accordance with this chapter, including policies and
18 procedures regarding:

19 (1) applying for an allocation from the Fund;
20 (2) determinations of eligibility of a patient, health care provider, or
21 nonprofit organization to receive an allocation from the Fund;

1 (3) determinations of eligibility of a cost or expense for reimbursement
2 under this chapter;

3 (4) considerations of need, including financial need;
4 (5) coordination with any other states or with a national or regional
5 network created for a similar purpose, including the acceptance of funding
6 transferred for use by the Affirming Health Care Trust Fund Program;

7 (6) a schedule for regular meetings; and
8 (7) a conflict of interest policy to address situations in which Board
9 members may be affiliated with applicants for or recipients of awards from the
10 Fund.

11 (c) The Office of the Treasurer, in consultation with the Agency of Human
12 Services, shall provide administrative and technical support to the Board.

13 (d) Members of the Board shall be entitled to per diem compensation and
14 reimbursement of expenses as permitted under 32 V.S.A. § 1010 for meetings
15 of the Board, to the extent that funds are appropriated for this purpose.

16 (e) The Chair shall call the first meeting of the Board to occur on or before
17 August 1, 2026.

18 Sec. 2. EFFECTIVE DATE

19 This act shall take effect on passage.