

H.576

Introduced by Representatives Berbeco of Winooski, Bluemle of Burlington,  
and Headrick of Burlington

Referred to Committee on

Date:

Subject: Executive; State Treasurer; gender-affirming health care services;

Affirming Health Care Trust Fund

Statement of purpose of bill as introduced: This bill proposes to establish the  
Affirming Health Care Trust Fund, to be administered by the State Treasurer,  
to provide monetary awards to cover costs associated with receiving and  
providing gender-affirming health care services.

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

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

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

CHAPTER 18A. AFFIRMING HEALTH CARE TRUST FUND

§ 551. DEFINITIONS

As used in this chapter:

(1)(A) “Gender-affirming health care services” means all supplies, care,  
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;

1           (C) addressing the support needs of individuals seeking care; and

2           (D) reducing disparities in access to gender-affirming health care

3 services by geography, income, race, disability, age, and other factors;

4           (2) for capital costs associated with establishing and operating Vermont-  
5 based health care clinics to provide gender-affirming health care services; and

6           (3) for the costs of medical malpractice liability and general liability  
7 insurance for health care providers involved in providing gender-affirming  
8 health care services.

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.

15           (f) The Treasurer may make and enter into contracts, agreements,  
16 memoranda of understanding, partnerships, and other arrangements to  
17 collaborate, cooperate, coordinate, contract, or combine resources with other  
18 governmental entities, including other states and their agencies and  
19 instrumentalities, to pay for gender-affirming health care services through the  
20 Affirming Health Care Trust Fund Program or a similar program.

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.