State of Tennessee

PUBLIC CHAPTER NO. 748

HOUSE BILL NO. 1665

By Representatives Maberry, Reneau, McCalmon, Moody, Howell, Grills, Hawk, Todd

Substituted for: Senate Bill No. 1664

By Senators Rose, Bailey, Bowling

AN ACT to amend Tennessee Code Annotated, Title 4; Title 33; Title 47; Title 56; Title 63; Title 68 and Title 71, relative to the protection of minors in healthcare settings.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 56, Chapter 7, Part 10, is amended by adding the following as a new section:

56-7-1022. Prohibition on insurance-driven questionnaires.

(a) A health insurance issuer, managed care organization, or an entity providing reimbursement for healthcare services shall not require or request a healthcare provider or facility to ask the following questions for any purpose, including as a condition of payment, credentialing, quality scoring, compliance, or participation:

(1) Whether a minor feels normal in the minor's body;

(2) Whether a minor believes the minor is the correct gender;

(3) Whether a minor identifies as a gender different from the minor's sex; or

(4) An inquiry intended to elicit statements from a minor about gender confusion or gender dysphoria.

(b) A health insurance issuer, managed care organization, or any entity providing reimbursement for healthcare services shall not deny or reduce payment, impose penalties, or otherwise disadvantage a provider for failing to ask such questions.

(c) This section does not apply to questions regarding a female's menstrual period.

(d) As used in this section, "minor":

(1) Means a person who has not attained eighteen (18) years of age; and

(2) Does not include a person who:

(A) Is emancipated pursuant to title 29, chapter 31;

(B) Needs emergency treatment pursuant to § 63-6-222;

(C) Is or was previously a member of the armed forces of the United States or a member of a reserve or national guard unit; or

(D) Is the parent of a minor child and has full custody of that minor child.

SECTION 2. Tennessee Code Annotated, Title 63, Chapter 1, is amended by adding the following as a new part:

63-1-1001. Legislative findings.

The general assembly finds and declares that:

(1) A parent has the right to make all physical and mental healthcare decisions for the parent's minor child and consent to all physical and mental health care on the child's behalf, as described in § 63-1-176;

(2) Minors are increasingly being asked questions by healthcare providers regarding gender identity, perceived gender normalcy, or whether the minor identifies as the minor's true or right gender without parental knowledge or consent;

(3) Some healthcare providers and facilities have reported that insurance companies or third-party payors require the inclusion of such questions for data collection or reimbursement;

(4) Such questions may introduce confusion, influence minors, or conflict with the values and beliefs of families in this state; and

(5) This state has a compelling interest in ensuring that healthcare providers do not solicit sensitive information from a minor that is unrelated to legitimate medical purposes and that a parent remain fully informed.

63-1-1002. Part definitions.

As used in this part:

(1) "Healthcare provider":

(A) Means a healthcare professional, healthcare establishment, or healthcare facility licensed, registered, certified, or permitted pursuant to this title, title 33, or title 68 or regulated under the authority of either the department of health or an agency, board, council, or committee attached to the department of health or by the department of mental health and substance abuse services, and that is authorized to provide health or medical care or mental health services in this state; and

(B) Does not include a psychologist, psychiatrist, licensed professional counselor, marriage and family therapist, licensed clinical pastoral therapist, or a licensed clinical social worker licensed pursuant to this title;

(2) "Minor":

(A) Means a person who has not attained eighteen (18) years of age; and

(B) Does not include a person who:

(i) Is emancipated pursuant to title 29, chapter 31;

(ii) Needs emergency treatment pursuant to § 63-6-222;

(iii) Is or was previously a member of the armed forces of the United States or a member of a reserve or national guard unit; or

(iv) Is the parent of a minor child and has full custody of that minor child; and

(3) "Parent" means as biological, legal, or adoptive parent or an individual who has been granted medical decision-making authority over the child under state law.

63-1-1003. Prohibited conduct.

(a) Except as provided in subsection (b), a healthcare provider shall not knowingly or willfully ask a minor a verbal or written question on the following:

(1) Whether the minor feels normal in the minor's body;

(2) Whether the minor believes the minor is the correct gender;

(3) Whether the minor identifies as a gender different from the minor's sex; or

(4) An inquiry intended to elicit statements about gender confusion or gender dysphoria.

(b) A healthcare provider may ask a question listed in subsection (a) if:

(1) The parent is fully informed and gives written consent to a question listed in subsection (a); and

(2) Such question is directly related to the diagnosis or treatment of a specific medical or psychological condition currently being evaluated.

(c) A healthcare provider shall not include questions relating to gender confusion or gender dysphoria on written intake forms, electronic tablets, or questionnaires directed to a minor unless the requirements of this section are satisfied.

(d) This section does not apply to questions regarding a female's menstrual period.

63-1-1004. Exceptions.

(a) Notwithstanding § 63-1-1003:

(1) If a minor volunteers information related to a question listed in § 63-1-1003(a), then a healthcare provider may ask the minor one (1) or more questions listed in § 63-1-1003(a); and

(2) If a healthcare provider, using reasonable medical judgment, based upon the facts known to the healthcare provider at the time, reasonably believes a minor is a trafficked person or a victim of brutality, abuse, or neglect, and the healthcare provider needs to perform a screening of the minor in order to determine whether the healthcare provider must make a report pursuant to § 37-1-403 or § 37-1-605, then the healthcare provider may privately ask a minor one (1) or more questions listed in § 63-1-1003(a).

(b) This part does not apply to a minor who is receiving medical treatment without parental consent pursuant to a law of this state.

63-1-1005. Parental access.

A parent must have full access to all written forms, questionnaires, or electronic assessments presented to the parent's minor child in a healthcare setting.

63-1-1006. Enforcement and penalties.

A violation of § 63-1-1003 by a healthcare provider constitutes unprofessional conduct subject to discipline by the healthcare provider's licensing board.

63-1-1007. Construction.

This part does not:

(1) Limit mandated reporting obligations for child abuse or neglect pursuant to § 37-1-402 or § 37-1-605;

(2) Restrict emergency medical care, as described in § 63-6-222; or

(3) Prevent a minor from voluntarily reporting concerns of abuse, exploitation, or danger to the minor's self or others.

SECTION 3. If any provision of this act or the application of any provision of this act to any person or circumstance is held invalid, the invalidity does not affect other provisions or applications of the act that can be given effect without the invalid provision or application, and to that end, the provisions of this act are severable.

SECTION 4. The headings in this act are for reference purposes only and do not constitute a part of the law enacted by this act. However, the Tennessee Code Commission is requested to include the headings in any compilation or publication containing this act.

SECTION 5. This act takes effect October 1, 2026, the public welfare requiring it.

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PASSED: March 19, 2026

CAMERON SEXTON, SPEAKER
HOUSE OF REPRESENTATIVES

RANDY MCNALLY
SPEAKER OF THE SENATE

APPROVED this 13th day of April 2026

BILL LEE, GOVERNOR