

Section 1557: Protecting Individuals Against Sex Discrimination

Section 1557 is the civil rights provision of the Affordable Care Act of 2010. Section 1557 prohibits discrimination on the grounds of race, color, national origin, sex, age, or disability in certain health programs and activities. The Section 1557 final rule applies to any health program or activity, any part of which receives funding from the Department of Health and Human Services (HHS), such as hospitals that accept Medicare or doctors who receive Medicaid payments; the Health Insurance Marketplaces and issuers that participate in those Marketplaces; and any health program that HHS itself administers.

The rule makes clear that sex discrimination prohibited under Section 1557 includes discrimination based on:

- An individual's sex
- Pregnancy, childbirth and related medical conditions

Protections against Sex Discrimination

- Individuals cannot be denied health care or health coverage based on their sex.
- Women must be treated equally with men in the health care they receive and the insurance they obtain.
- Sex-specific health programs or activities are permissible only if the entity can demonstrate an exceedingly persuasive justification. For example, that the sex-specific health program or activity is substantially related to the achievement of an important health-related or scientific objective.

For more information about Section 1557, visit www.hhs.gov/civil-rights/for-individuals/section-1557.