

# STATE OF NEW YORK

1682--A

2023-2024 Regular Sessions

## IN ASSEMBLY

January 17, 2023

Introduced by M. of A. WOERNER, SIMON, DICKENS, THIELE, CRUZ, GUNTHER, SEAWRIGHT, GLICK, REYES -- Multi-Sponsored by -- M. of A. SAYEGH -- read once and referred to the Committee on Insurance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the insurance law, in relation to prohibiting the exclusion of coverage based upon gender indication on claim forms

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subsection (i) of section 3216 of the insurance law is  
2 amended by adding a new paragraph 39 to read as follows:

3 (39) Every policy that provides coverage for hospital, surgical or  
4 medical care shall not exclude coverage for screening, diagnosis and  
5 treatment of medical conditions, or services otherwise covered by the  
6 policy solely on the basis of the gender indicated on a claim form, or  
7 that the gender indicated on a claim form is different from the  
8 insured's sex assigned at birth or gender otherwise recorded, or that  
9 the insured is not of the gender to whom a service is provided. Nothing  
10 herein shall limit the insurer's ability to take reasonable steps,  
11 including requesting additional information, to determine whether the  
12 insured is eligible for the services, to review the claim for potential  
13 fraud, or to review the claim for clinical appropriateness.

14 § 2. Subsection (1) of section 3221 of the insurance law is amended by  
15 adding a new paragraph 22 to read as follows:

16 (22) Every policy that provides coverage for hospital, surgical or  
17 medical care shall not exclude coverage for screening, diagnosis and  
18 treatment of medical conditions, or services otherwise covered by the  
19 policy solely on the basis of the gender indicated on a claim form, or  
20 that the gender indicated on a claim form is different from the  
21 insured's sex assigned at birth or gender otherwise recorded, or that  
22 the insured is not of the gender to whom a service is provided. Nothing

EXPLANATION--Matter in italics (underscored) is new; matter in brackets  
[-] is old law to be omitted.

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1 herein shall limit the insurer's ability to take reasonable steps,  
2 including requesting additional information, to determine whether the  
3 insured is eligible for the services, to review the claim for potential  
4 fraud, or to review the claim for clinical appropriateness.

5 § 3. Section 4303 of the insurance law is amended by adding a new  
6 subsection (vv) to read as follows:

7 (vv) Every contract that provides coverage for hospital, surgical or  
8 medical care shall not exclude coverage for screening, diagnosis and  
9 treatment of medical conditions, or services otherwise covered by the  
10 contract solely on the basis of the gender indicated on a claim form, or  
11 that the gender indicated on a claim form is different from the  
12 insured's sex assigned at birth or gender otherwise recorded, or that  
13 the insured is not of the gender to whom a service is provided. Nothing  
14 herein shall limit the insurer's ability to take reasonable steps,  
15 including requesting additional information, to determine whether the  
16 insured is eligible for the services, to review the claim for potential  
17 fraud, or to review the claim for clinical appropriateness.

18 § 4. This act shall take effect on the first of January next succeed-  
19 ing the date on which it shall have become a law and shall apply to  
20 policies and contracts issued, renewed, modified, altered or amended on  
21 or after such effective date.