

STATE OF NEW YORK

38

2023-2024 Regular Sessions

IN ASSEMBLY

(Prefiled)

January 4, 2023

Introduced by M. of A. L. ROSENTHAL, SEAWRIGHT -- read once and referred to the Committee on Insurance

AN ACT to amend the insurance law, in relation to providing health insurance coverage for scalp cooling for the preservation of hair during cancer chemotherapy treatment

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 12-b to read as follows:

3 (12-b) (A) Every policy delivered or issued for delivery in this state
4 that provides medical, major medical, or similar comprehensive-type
5 coverage and provides coverage for prescription drugs and also provides
6 coverage for cancer chemotherapy treatment shall provide coverage for
7 scalp cooling. Such coverage may be subject to co-pays, coinsurance or
8 deductibles, provided that the co-pays, coinsurance or deductibles are
9 at least as favorable to an insured as the co-pays, coinsurance or
10 deductibles that apply to coverage for intravenous or injected anticancer
11 medications.

12 (B) For the purposes of this paragraph, "scalp cooling" means any
13 cooling cap, hypothermia cap, cold cap or any other device used as a
14 therapeutic device to cool the human scalp to prevent or reduce hair
15 loss during chemotherapy.

16 § 2. Subsection (l) of section 3221 of the insurance law is amended by
17 adding a new paragraph 12-b to read as follows:

18 (12-b) (A) Every policy delivered or issued for delivery in this state
19 that provides medical, major medical, or similar comprehensive-type
20 coverage and provides coverage for prescription drugs and also provides
21 coverage for cancer chemotherapy treatment shall provide coverage for
22 scalp cooling. Such coverage may be subject to co-pays, coinsurance or
23 deductibles, provided that the co-pays, coinsurance or deductibles are

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

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1 at least as favorable to an insured as the co-pays, coinsurance or
2 deductibles that apply to coverage for intravenous or injected antican-
3 cer medications.

4 (B) For the purposes of this paragraph, "scalp cooling" means any
5 cooling cap, hypothermia cap, cold cap or any other device used as a
6 therapeutic device to cool the human scalp to prevent or reduce hair
7 loss during chemotherapy.

8 § 3. Section 4303 of the insurance law is amended by adding a new
9 subsection (q-2) to read as follows:

10 (q-2) (1) Every policy delivered or issued for delivery in this state
11 that provides medical, major medical, or similar comprehensive-type
12 coverage and provides coverage for prescription drugs and also provides
13 coverage for cancer chemotherapy treatment shall provide coverage for
14 scalp cooling. Such coverage may be subject to co-pays, coinsurance or
15 deductibles, provided that the co-pays, coinsurance or deductibles are
16 at least as favorable to an insured as the co-pays, coinsurance or
17 deductibles that apply to coverage for intravenous or injected antican-
18 cer medications.

19 (2) For the purposes of this subsection, "scalp cooling" means any
20 cooling cap, hypothermia cap, cold cap or any other device used as a
21 therapeutic device to cool the human scalp to prevent or reduce hair
22 loss during chemotherapy.

23 § 4. This act shall take effect on the sixtieth day after it shall
24 have become a law.