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I N A S S E M B L Y

January 22, 2010

Introduced by M. of A. FIELDS -- read once and referred to the Committee on Insurance

AN ACT to amend the insurance law, in relation to insurance coverage for certain cancer patients

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Subsection (i) of section 3216 of the insurance law is amended by adding a new paragraph 27 to read as follows:

(27) EVERY POLICY WHICH PROVIDES MEDICAL, MAJOR-MEDICAL OR SIMILAR COMPREHENSIVE-TYPE COVERAGE SHALL PROVIDE COVERAGE FOR ALL MALE PATIENTS, WHO MAY BECOME INVOLUNTARILY STERILE AS A RESULT OF THE TREATMENT OF ANY CANCER, TO STORE UP TO FOUR EJACULATES BEFORE THE INITIATION OF THAT TREATMENT. TREATMENTS OF CANCER SHALL INCLUDE BUT NOT BE LIMITED TO RADIATION, CHEMOTHERAPY, SURGERY OR ANY OTHER TREATMENT ORDERED BY A PHYSICIAN FOR THE TREATMENT OF CANCER, WHICH MAY RESULT IN INVOLUNTARY STERILIZATION. SUCH EJACULATE STORAGE COSTS SHALL BE COVERED IF THE UNDERLYING MEDICAL CONDITION IS COVERED BY THE PATIENT'S MEDICAL INSURANCE AND THE EJACULATE IS STORED IN STORAGE FACILITIES ACCREDITED BY THE AMERICAN ASSOCIATION OF TISSUE BANKS. ACCREDITED STORAGE FACILITIES MUST ALSO HAVE DOCUMENTATION OF EFFECTIVE, VIABLE STORAGE OF SPERM FOR A MINIMUM OF TEN YEARS. STORAGE FEES SHALL BE COVERED BY THE MEDICAL INSURANCE UNTIL SUCH PATIENT ATTAINS THE AGE OF FIFTY YEARS.

S 2. Subsection (1) of section 3221 of the insurance law is amended by adding a new paragraph 18 to read as follows:

(18) EVERY INSURER ISSUING A GROUP POLICY FOR DELIVERY IN THIS STATE WHICH PROVIDES MEDICAL, MAJOR-MEDICAL OR SIMILAR COMPREHENSIVE-TYPE COVERAGE SHALL PROVIDE COVERAGE FOR ALL MALE PATIENTS, WHO MAY BECOME INVOLUNTARILY STERILE AS A RESULT OF THE TREATMENT OF ANY CANCER, TO STORE UP TO FOUR EJACULATES BEFORE THE INITIATION OF THAT TREATMENT. TREATMENTS OF CANCER SHALL INCLUDE BUT NOT BE LIMITED TO RADIATION, CHEMOTHERAPY, SURGERY OR ANY OTHER TREATMENT ORDERED BY A PHYSICIAN FOR THE TREATMENT OF CANCER, WHICH MAY RESULT IN INVOLUNTARY STERILIZATION. SUCH EJACULATE STORAGE COSTS SHALL BE COVERED IF THE UNDERLYING MEDICAL CONDITION IS COVERED BY THE PATIENT'S MEDICAL INSURANCE AND THE EJACU-

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

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LATE IS STORED IN STORAGE FACILITIES ACCREDITED BY THE AMERICAN ASSOCIATION OF TISSUE BANKS. ACCREDITED STORAGE FACILITIES MUST ALSO HAVE DOCUMENTATION OF EFFECTIVE, VIABLE STORAGE OF SPERM FOR A MINIMUM OF TEN YEARS. STORAGE FEES SHALL BE COVERED BY THE MEDICAL INSURANCE UNTIL SUCH PATIENT ATTAINS THE AGE OF FIFTY YEARS.

S 3. Section 4303 of the insurance law is amended by adding a new subsection (gg) to read as follows:

(GG) EVERY CONTRACT ISSUED BY A HEALTH SERVICES CORPORATION OR MEDICAL EXPENSE INDEMNITY CORPORATION WHICH PROVIDES MEDICAL, MAJOR-MEDICAL OR SIMILAR COMPREHENSIVE-TYPE COVERAGE SHALL PROVIDE COVERAGE FOR ALL MALE PATIENTS, WHO MAY BECOME INVOLUNTARILY STERILE AS A RESULT OF THE TREATMENT OF ANY CANCER, TO STORE UP TO FOUR EJACULATES BEFORE THE INITIATION OF THAT TREATMENT. TREATMENTS OF CANCER SHALL INCLUDE BUT NOT BE LIMITED TO RADIATION, CHEMOTHERAPY, SURGERY OR ANY OTHER TREATMENT ORDERED BY A PHYSICIAN FOR THE TREATMENT OF CANCER, WHICH MAY RESULT IN INVOLUNTARY STERILIZATION. SUCH EJACULATE STORAGE COSTS SHALL BE COVERED IF THE UNDERLYING MEDICAL CONDITION IS COVERED BY THE PATIENT'S MEDICAL INSURANCE AND THE EJACULATE IS STORED IN STORAGE FACILITIES ACCREDITED BY THE AMERICAN ASSOCIATION OF TISSUE BANKS. ACCREDITED STORAGE FACILITIES MUST ALSO HAVE DOCUMENTATION OF EFFECTIVE, VIABLE STORAGE OF SPERM FOR A MINIMUM OF TEN YEARS. STORAGE FEES SHALL BE COVERED BY THE MEDICAL INSURANCE UNTIL SUCH PATIENT ATTAINS THE AGE OF FIFTY YEARS.

S 4. This act shall take effect immediately.