

5143--A

2015-2016 Regular Sessions

I N A S S E M B L Y

February 12, 2015

Introduced by M. of A. SEAWRIGHT, GOTTFRIED, WRIGHT, ROSENTHAL, ORTIZ, O'DONNELL, BROOK-KRASNY, SIMOTAS, ROZIC, FAHY, BARRETT, OTIS, LIFTON, SKOUFIS, QUART, COOK, MAYER, JAFFEE, DINOWITZ, PEOPLES-STOKES, GALEF, PICHARDO, BLAKE, JOYNER, RUSSELL -- Multi-Sponsored by -- M. of A. BRAUNSTEIN, GLICK, HOOPER, PERRY, ROBINSON, SCHIMEL, SIMON, THIELE -- read once and referred to the Committee on Labor -- reported and referred to the Committee on Codes -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the labor law, in relation to employee notification of contraceptive coverage

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

1 Section 1. Subdivision 2 of section 217 of the labor law is amended by
2 adding a new paragraph (c) to read as follows:
3 (C) "CONTRACEPTIVE COVERAGE" SHALL MEAN THAT PORTION OF A POLICY OR
4 CONTRACT OF GROUP ACCIDENT, GROUP HEALTH OR GROUP ACCIDENT AND HEALTH
5 INSURANCE THAT PROVIDES COVERAGE FOR THE COST OF CONTRACEPTIVE DRUGS OR
6 DEVICES APPROVED BY THE FEDERAL FOOD AND DRUG ADMINISTRATION OR GENERIC
7 EQUIVALENTS APPROVED AS SUBSTITUTES BY SUCH FOOD AND DRUG ADMINISTRATION
8 UNDER THE PRESCRIPTION OF A HEALTH CARE PROVIDER LEGALLY AUTHORIZED TO
9 PRESCRIBE UNDER TITLE EIGHT OF THE EDUCATION LAW.
10 S 2. Section 217 of the labor law is amended by adding a new subdivi-
11 sion 3-a to read as follows:
12 3-A. CONTRACEPTIVE COVERAGE NOTIFICATION. A POLICYHOLDER SHALL PROVIDE
13 WRITTEN NOTICE TO CERTIFICATE HOLDERS PRIOR TO SUBSTITUTING A POLICY OR
14 CONTRACT OF GROUP ACCIDENT, GROUP HEALTH OR GROUP ACCIDENT AND HEALTH
15 INSURANCE WITH ANOTHER SUCH POLICY OR CONTRACT THAT ALTERS, RESTRICTS,
16 OR TERMINATES CONTRACEPTIVE COVERAGE. SUCH NOTICE SHALL BE PROVIDED NOT
17 LESS THAN NINETY DAYS PRIOR TO ANY SUCH SUBSTITUTION. WHERE THE CERTIF-
18 ICATE HOLDERS ARE EMPLOYEES REPRESENTED BY A LABOR ORGANIZATION, SUCH

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

LBD04878-02-5

1 NOTICE SHALL ALSO BE PROMPTLY PROVIDED TO THE REPRESENTATIVE OF SUCH
2 LABOR ORGANIZATION. A COPY OF SUCH NOTICE ALSO SHALL BE PROMPTLY
3 PROVIDED TO THE COMMISSIONER AND THE DEPARTMENTS OF LAW AND FINANCIAL
4 SERVICES. SUCH WRITTEN NOTICE SHALL BE IN ACCORDANCE WITH APPLICABLE
5 RULES AND REGULATIONS OF THE COMMISSIONER.

6 S 3. The labor law is amended by adding a new section 217-a to read as
7 follows:

8 S 217-A. PROSPECTIVE EMPLOYEE NOTIFICATION OF CONTRACEPTIVE COVERAGE.
9 AN EMPLOYER WHO IS ISSUED A POLICY OR CONTRACT FOR GROUP ACCIDENT, GROUP
10 HEALTH OR GROUP ACCIDENT AND HEALTH INSURANCE THAT COVERS SOME OR ALL OF
11 ITS EMPLOYEES SHALL PROVIDE NOTICE TO ALL PERSONS WHO SEEK EMPLOYMENT
12 WITH SUCH EMPLOYER AS TO WHETHER SUCH POLICY OR CONTRACT INCLUDES
13 CONTRACEPTIVE COVERAGE, AS SUCH TERM IS DEFINED IN PARAGRAPH (C) OF
14 SUBDIVISION TWO OF SECTION TWO HUNDRED SEVENTEEN OF THIS ARTICLE. WHERE
15 SUCH POLICY OR CONTRACT INCLUDES SOME, BUT NOT ALL, CONTRACEPTIVE DRUGS
16 AND DEVICES OR THEIR GENERIC EQUIVALENTS APPROVED BY THE FEDERAL FOOD
17 AND DRUG ADMINISTRATION, SUCH NOTICE SHALL ALSO SPECIFY WHICH SUCH DRUGS
18 OR DEVICES ARE NOT INCLUDED IN SUCH INSURANCE COVERAGE. SUCH NOTICE
19 SHALL BE PROMINENTLY DISPLAYED ON THE FACE OF ANY WRITTEN APPLICATION
20 FOR EMPLOYMENT UTILIZED BY AN EMPLOYER OR INCLUDED ON A SEPARATE WRITTEN
21 NOTICE FORM TO BE PROVIDED TO EACH PERSON WHO RECEIVES SUCH WRITTEN
22 APPLICATION. WHERE SUCH EMPLOYER MAINTAINS A PUBLICLY ACCESSIBLE WEBPAGE
23 THAT PROVIDES INFORMATION ON PROSPECTIVE EMPLOYMENT OPPORTUNITIES, SUCH
24 EMPLOYER SHALL PROVIDE CLEAR AND CONSPICUOUS NOTICE ON SUCH WEBPAGE AS
25 TO WHETHER SUCH EMPLOYER PROVIDES CONTRACEPTIVE COVERAGE AND, IF SO,
26 WHETHER SUCH COVERAGE INCLUDES SOME, BUT NOT ALL, CONTRACEPTIVE DRUGS
27 AND DEVICES OR THEIR GENERIC EQUIVALENT APPROVED BY THE FEDERAL FOOD AND
28 DRUG ADMINISTRATION. THE COMMISSIONER, IN CONSULTATION WITH THE DEPART-
29 MENT OF FINANCIAL SERVICES, IS AUTHORIZED TO PROMULGATE SUCH RULES AND
30 REGULATIONS AS HE OR SHE DEEMS NECESSARY TO IMPLEMENT THE PROVISIONS OF
31 THIS SECTION.

32 S 4. This act shall take effect on the ninetieth day after it shall
33 have become a law.