

3151--A

2015-2016 Regular Sessions

I N   S E N A T E

February 3, 2015

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Introduced by Sens. STAVISKY, RIVERA, SAMPSON -- read twice and ordered printed, and when printed to be committed to the Committee on Labor -- 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  
19    NOTICE SHALL ALSO BE PROMPTLY PROVIDED TO THE REPRESENTATIVE OF SUCH  
20    LABOR ORGANIZATION. A COPY OF SUCH NOTICE ALSO SHALL BE PROMPTLY  
21    PROVIDED TO THE COMMISSIONER AND THE DEPARTMENTS OF LAW AND FINANCIAL  
22    SERVICES. SUCH WRITTEN NOTICE SHALL BE IN ACCORDANCE WITH APPLICABLE  
23    RULES AND REGULATIONS OF THE COMMISSIONER.

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

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

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

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