

8175

I N S E N A T E

August 10, 2016

Introduced by Sen. PERALTA -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the insurance law, in relation to coverage of the diagnosis and treatment of infertility

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

1 Section 1. Paragraph 13 of subsection (i) of section 3216 of the
2 insurance law is amended by adding a new subparagraph (C) to read as
3 follows:

4 (C) (I) NO POLICY WHICH PROVIDES COVERAGE PURSUANT TO THIS PARAGRAPH
5 SHALL LIMIT OR RESTRICT, OR PLACE ADDITIONAL REQUIREMENTS UPON, SUCH
6 COVERAGE, WHEN AN INSURED HAS A PARTNER OF THE SAME SEX. COVERAGE
7 PURSUANT TO THIS PARAGRAPH SHALL BE PROVIDED TO SUCH INSURED ON THE
8 SAME BASIS AND CONDITIONS AS PROVIDED TO INSURED WITH A PARTNER OF THE
9 OPPOSITE SEX.

10 (II) AN INSURER SUBJECT TO THE PROVISIONS OF THIS PARAGRAPH SHALL NOT
11 REQUIRE AS A CONDITION OF COVERAGE THAT AN INSURED WHO HAS A PARTNER OF
12 THE SAME SEX THAT: (I) THE INSURED'S PARTNER'S SPERM BE USED IN THE
13 COVERED TREATMENTS OR PROCEDURES; OR (II) THE INSURED DEMONSTRATE INFERTILITY
14 EXCLUSIVELY BY MEANS OF A HISTORY OF UNSUCCESSFUL HETEROSEXUAL
15 SEXUAL INTERCOURSE.

16 (III) IN THE EVENT THAT A POLICY PROVIDES COVERAGE OF IN VITRO FERTILIZATION,
17 SUCH POLICY SHALL NOT LIMIT OR RESTRICT, OR PLACE ADDITIONAL
18 REQUIREMENTS UPON, SUCH COVERAGE WHEN AN INSURED HAS A PARTNER OF THE
19 SAME SEX. SUCH COVERAGE SHALL BE PROVIDED TO SUCH INSURED ON THE SAME
20 BASIS AND CONDITIONS AS PROVIDED TO INSURED WITH A PARTNER OF THE OPPOSITE
21 SEX.

22 S 2. Paragraph 6 of subsection (k) of section 3221 of the insurance
23 law is amended by adding a new subparagraph (E) to read as follows:

24 (E) (I) NO GROUP OR BLANKET POLICY WHICH PROVIDES COVERAGE PURSUANT TO
25 THIS PARAGRAPH SHALL LIMIT OR RESTRICT, OR PLACE ADDITIONAL REQUIREMENTS
26 UPON, SUCH COVERAGE, WHEN AN INSURED HAS A PARTNER OF THE SAME SEX.
27 COVERAGE PURSUANT TO THIS PARAGRAPH SHALL BE PROVIDED TO SUCH INSURED

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

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1 ON THE SAME BASIS AND CONDITIONS AS PROVIDED TO INSUREDS WITH A PARTNER
2 OF THE OPPOSITE SEX.

3 (II) AN INSURER SUBJECT TO THE PROVISIONS OF THIS PARAGRAPH SHALL NOT
4 REQUIRE AS A CONDITION OF COVERAGE THAT AN INSURED WHO HAS A PARTNER OF
5 THE SAME SEX THAT: (I) THE INSUREDS PARTNER'S SPERM BE USED IN THE
6 COVERED TREATMENTS OR PROCEDURES; OR (II) THE INSURED DEMONSTRATE INFERTI-
7 LITY EXCLUSIVELY BY MEANS OF A HISTORY OF UNSUCCESSFUL HETEROSEXUAL
8 SEXUAL INTERCOURSE.

9 (III) IN THE EVENT THAT A GROUP OR BLANKET POLICY PROVIDES COVERAGE OF
10 IN VITRO FERTILIZATION, SUCH POLICY SHALL NOT LIMIT OR RESTRICT, OR
11 PLACE ADDITIONAL REQUIREMENTS UPON, SUCH COVERAGE WHEN AN INSURED HAS A
12 PARTNER OF THE SAME SEX. SUCH COVERAGE SHALL BE PROVIDED TO SUCH
13 INSUREDS ON THE SAME BASIS AND CONDITIONS AS PROVIDED TO INSUREDS WITH A
14 PARTNER OF THE OPPOSITE SEX.

15 S 3. Subsection (s) of section 4303 of the insurance law, as amended
16 by section 2 of part K of chapter 82 of the laws of 2002, is amended by
17 adding a new paragraph 5 to read as follows:

18 (5)(A) NO CONTRACT WHICH PROVIDES COVERAGE PURSUANT TO THIS SUBSECTION
19 SHALL LIMIT OR RESTRICT, OR PLACE ADDITIONAL REQUIREMENTS UPON, SUCH
20 COVERAGE, WHEN A COVERED PERSON HAS A PARTNER OF THE SAME SEX. COVERAGE
21 PURSUANT TO THIS SUBSECTION SHALL BE PROVIDED TO SUCH COVERED PERSONS ON
22 THE SAME BASIS AND CONDITIONS AS PROVIDED TO COVERED PERSONS WITH A
23 PARTNER OF THE OPPOSITE SEX.

24 (B) A HOSPITAL SERVICE CORPORATION OR HEALTH SERVICE CORPORATION
25 SUBJECT TO THE PROVISIONS OF THIS SUBSECTION SHALL NOT REQUIRE AS A
26 CONDITION OF COVERAGE THAT A COVERED PERSON WHO HAS A PARTNER OF THE
27 SAME SEX THAT: (I) THE COVERED PERSON'S PARTNER'S SPERM BE USED IN THE
28 COVERED TREATMENTS OR PROCEDURES; OR (II) THE COVERED PERSON DEMONSTRATE
29 INFERTILITY EXCLUSIVELY BY MEANS OF A HISTORY OF UNSUCCESSFUL HETEROSEX-
30 UAL SEXUAL INTERCOURSE.

31 (C) IN THE EVENT THAT A CONTRACT PROVIDES COVERAGE OF IN VITRO FERTI-
32 LIZATION, SUCH CONTRACT SHALL NOT LIMIT OR RESTRICT, OR PLACE ADDITIONAL
33 REQUIREMENTS UPON, SUCH COVERAGE WHEN A COVERED PERSON HAS A PARTNER OF
34 THE SAME SEX. SUCH COVERAGE SHALL BE PROVIDED TO SUCH COVERED PERSONS ON
35 THE SAME BASIS AND CONDITIONS AS PROVIDED TO COVERED PERSONS WITH A
36 PARTNER OF THE OPPOSITE SEX.

37 S 4. This act shall take effect immediately.