

# STATE OF NEW YORK

847

2019-2020 Regular Sessions

## IN SENATE

January 9, 2019

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

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 insureds on the  
8 same basis and conditions as provided to insureds 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 infer-  
14 tility 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 ferti-  
17 lization, 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 insureds on the same  
20 basis and conditions as provided to insureds with a partner of the oppo-  
21 site sex.

22 § 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

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

LBD05669-01-9

1 upon, such coverage, when an insured has a partner of the same sex.  
2 Coverage pursuant to this paragraph shall be provided to such insureds  
3 on the same basis and conditions as provided to insureds with a partner  
4 of the opposite sex.

5 (ii) An insurer subject to the provisions of this paragraph shall not  
6 require as a condition of coverage that an insured who has a partner of  
7 the same sex that: (I) the insureds partner's sperm be used in the  
8 covered treatments or procedures; or (II) the insured demonstrate infer-  
9 tility exclusively by means of a history of unsuccessful heterosexual  
10 sexual intercourse.

11 (iii) In the event that a group or blanket policy provides coverage of  
12 in vitro fertilization, such policy shall not limit or restrict, or  
13 place additional requirements upon, such coverage when an insured has a  
14 partner of the same sex. Such coverage shall be provided to such  
15 insureds on the same basis and conditions as provided to insureds with a  
16 partner of the opposite sex.

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

20 (5)(A) No contract which provides coverage pursuant to this subsection  
21 shall limit or restrict, or place additional requirements upon, such  
22 coverage, when a covered person has a partner of the same sex. Coverage  
23 pursuant to this subsection shall be provided to such covered persons on  
24 the same basis and conditions as provided to covered persons with a  
25 partner of the opposite sex.

26 (B) A hospital service corporation or health service corporation  
27 subject to the provisions of this subsection shall not require as a  
28 condition of coverage that a covered person who has a partner of the  
29 same sex that: (i) the covered person's partner's sperm be used in the  
30 covered treatments or procedures; or (ii) the covered person demonstrate  
31 infertility exclusively by means of a history of unsuccessful heterosex-  
32 ual sexual intercourse.

33 (C) In the event that a contract provides coverage of in vitro ferti-  
34 lization, such contract shall not limit or restrict, or place additional  
35 requirements upon, such coverage when a covered person has a partner of  
36 the same sex. Such coverage shall be provided to such covered persons on  
37 the same basis and conditions as provided to covered persons with a  
38 partner of the opposite sex.

39 § 4. This act shall take effect immediately.