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:

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

(C) (i) No policy which provides coverage pursuant to this paragraph shall limit or restrict, or place additional requirements upon, such coverage, when an insured has a partner of the same sex. Coverage pursuant to this paragraph shall be provided to such insureds on the same basis and conditions as provided to insureds with a partner of the opposite sex.

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

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

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

(E) (i) No group or blanket policy which provides coverage pursuant to 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.

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

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

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

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

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

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

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

§ 4. This act shall take effect immediately.