

STATE OF NEW YORK

1224

2021-2022 Regular Sessions

IN ASSEMBLY

January 7, 2021

Introduced by M. of A. CAHILL -- read once and referred to the Committee on Insurance

AN ACT to amend the insurance law, in relation to blanket group accident and health insurance coverage

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Subsection (a) of section 4237 of the insurance law,
2 subparagraph (C) of paragraph 3 as amended by chapter 461 of the laws of
3 2015, clause (iii) of subparagraph (C) of paragraph 3 as amended by
4 section 2 of subpart K of part XX of chapter 55 of the laws of 2020,
5 clause (iii) of subparagraph (D) of paragraph 3 as amended by chapter
6 476 of the laws of 2018 and subparagraph (F) of paragraph 3 as amended
7 by chapter 369 of the laws of 1985, is amended to read as follows:

8 (a) (1) Any policy or contract of insurance against death or injury
9 resulting from accident which insures a group of persons conforming to
10 the requirements of one of the subparagraphs (A) through [~~(F)~~] (M) of
11 paragraph three hereof shall be deemed a blanket accident policy.

12 (2) Any policy or contract which insures a group of persons conforming
13 to the requirements of subparagraph (C), (E) or [~~(F)~~] (M) of paragraph
14 three hereof against total or partial disability, excluding such disa-
15 bility from accident, shall be deemed a blanket health insurance policy.

16 (3) Any policy or contract of insurance which combines the coverage of
17 blanket accident insurance and of blanket health insurance on such a
18 group of persons shall be deemed a blanket accident and health insurance
19 policy:

20 (A) Under a policy or contract issued to any railroad, steamship,
21 motorbus or airplane carrier of passengers or owner, operator or lessee
22 of any means of transportation, which shall be deemed the policyholder,
23 a group defined as all persons who may become such passengers may be
24 insured against death or bodily injury either while, or as a result of,
25 being such passengers.

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

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1 (B) Under a policy or contract issued to an employer, who shall be
2 deemed the policyholder, covering any group of employees defined by
3 reference to [~~exceptional~~] hazards incident to [~~such—employment~~] an
4 activity, activities, or operations of the policyholder, insuring such
5 employee against death or bodily injury resulting while, or from, being
6 exposed to such [~~exceptional~~] hazards. Dependents of the employee and
7 guests of the employer or employees may also be included where exposed
8 to the same hazards.

9 (C) Under a policy or contract issued to an institution of higher
10 education, as defined in the higher education act of 1965, 20 U.S.C. §
11 1001, other school, or other institution of learning or to the head or
12 principal thereof, who or which shall be deemed the policyholder,
13 provided, with respect to a policy or contract issued to an institution
14 of higher education, the policy or contract shall be a policy or
15 contract:

16 (i) of hospital, medical, or surgical expense insurance that meets the
17 requirements of section three thousand two hundred forty of this chap-
18 ter;

19 (ii) that provides limited scope dental or vision benefits meeting the
20 definition of "excepted benefits" set forth in section 2791 of the
21 public health service act, 42 U.S.C. § 300gg-91(c); or

22 (iii) as described in item (ii), (iii) or (iv) of subparagraph (B) of
23 paragraph one of subsection (a) of section three thousand two hundred
24 forty of this chapter.

25 (D) Under a policy or contract issued in the name of

26 (i) any county, city, town, village or fire district,

27 (ii) any duly organized fire department, or fire company, of any such
28 municipal corporation or fire district, first aid, civil defense, or
29 other such group, whether or not any such corporation has been incorpo-
30 rated under any general or special law,

31 (iii) any fire corporation incorporated under or subject to the
32 provisions of section one thousand four hundred two of the not-for-pro-
33 fit corporation law, or any general or special law, if such corporation
34 is by law under the general control of, or recognized as a fire corpo-
35 ration by, the governing board of a city, town, village or fire
36 district, which municipal corporation, fire district, fire department,
37 fire company or fire corporation, as the case may be, shall be deemed
38 the policyholder, covering all, but not less than twenty-five, volunteer
39 members of such department, company or corporation. A district corpo-
40 ration which has the general powers of and operates as a fire district
41 shall be considered a fire district for the purposes of this paragraph.
42 A volunteer firefighter whose services are offered and accepted pursuant
43 to the provisions of section two hundred nine-i of the general municipal
44 law shall be deemed a volunteer member of any such fire department, fire
45 company or fire corporation except for the purpose of determining the
46 minimum number of twenty-five volunteer members for which any such poli-
47 cy or contract must provide coverage. Any such policy or contract issued
48 to a municipal corporation or a fire district shall be subject to any
49 limitations on the amount, coverage or benefits as are set forth in any
50 applicable general, special or local law or city or village charter.

51 (E) Under a policy or contract issued to and in the name of an incor-
52 porated or unincorporated association of persons having a common inter-
53 est or calling, which association shall be deemed the policyholder,
54 having not less than fifty members, covering all or any group of the
55 members of such association or if part or all of the premium is to be
56 derived from funds contributed by the insured members and if the oppor-

1 tunity to take such insurance is offered to all eligible members, then
2 such policy must cover not less than seventy-five percent of any class
3 or classes of members determined by conditions pertaining to membership
4 in the association.

5 (F) Under a policy or contract issued to a sports team or to a camp or
6 sponsor thereof, which team, camp or sponsor shall be deemed the policy-
7 holder, covering members, campers, employees, volunteers, supervisors or
8 officials.

9 (G) Under a policy or contract issued to any incorporated or unincor-
10 porated religious, charitable, recreational, educational or civic organ-
11 ization, or branch thereof, which organization shall be deemed the poli-
12 cyholder, covering any group of members, participants, or volunteers
13 defined by reference to hazards incident to any activity or activities
14 or operations sponsored or supervised by or on the premises of such
15 policyholder.

16 (H) Under a policy or contract issued to a restaurant, hotel, motel,
17 resort, or innkeeper, which shall be deemed the policyholder, covering
18 patrons or guests.

19 (I) Under a policy or contract issued to a bank, association, finan-
20 cial or other institution, vendor, or to a parent holding company, or to
21 the trustee, trustees or agent designated by one or more banks, associ-
22 ations, financial or other institutions, or vendors, which shall be
23 deemed the policyholder, covering accountholders, debtors, guarantors or
24 purchasers.

25 (J) Under a policy or contract issued to a travel agency or other
26 organization that provides travel related services, which agency or
27 organization shall be deemed the policyholder, to cover all or any group
28 of persons for whom travel related services are provided.

29 (K) An entertainment, theater, arts or event production company or
30 organization, which shall be deemed the policyholder, covering all or
31 any group of participants, volunteers, audience members, contestants,
32 employees or workers engaged in any activity, activities, or operations
33 of the policyholder.

34 (L) Under a policy or contract issued to an established organization
35 whether incorporated or not, having community recognition and operated
36 for the welfare of the community and its members and not for profit,
37 which shall be deemed the policyholder and covering all volunteer work-
38 ers who serve without pecuniary compensation and the members of the
39 organization against loss from accidents that occur while engaged in the
40 actual performance of duties on behalf of such organization or in activ-
41 ities thereof.

42 (M) Under a policy or contract issued to insure; (i) any other
43 [~~substantially similar group~~] risk or class of risks approved by the
44 superintendent as eligible for insurance under a blanket accident and
45 health insurance policy or contract; the discretion of the superinten-
46 dent may be exercised on an individual risk basis or class of risks, or
47 both; or (ii) any other group approved by the superintendent upon a
48 finding that: (I) there is a common enterprise or economic or social
49 affinity or relationship; (II) the premiums charged are reasonable in
50 relation to the benefits provided; and (III) the issuance of the policy
51 would result in economies of acquisition or administration, would be
52 actuarially sound, and would not be contrary to the best interest of the
53 public. The superintendent shall promulgate regulations setting forth
54 any such groups that have been accepted as qualifying pursuant to this
55 subparagraph.

56 § 2. This act shall take effect immediately.