STATE OF NEW YORK

149

2021-2022 Regular Sessions

IN ASSEMBLY

(Prefiled)

January 6, 2021

Introduced by M. of A. L. ROSENTHAL, AUBRY, DINOWITZ, GOTTFRIED, ENGLEBRIGHT, LAVINE, JEAN-PIERRE, MAGNARELLI, SIMON, J. RIVERA, COOK, DAVILA, GLICK -- read once and referred to the Committee on Insurance

AN ACT to amend the insurance law, in relation to prohibiting insurance companies from denying coverage for individuals that have taken or are currently taking pre-exposure prophylaxis or post-exposure prophylaxis

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

Section 1. The insurance law is amended by adding a new section 2618 to read as follows:

§ 2618. Discrimination based on previous or current use of pre-exposure prophylaxis and post-exposure prophylaxis. (a) No individual, insurer or entity shall solely because a person has used or is currently using pre-exposure prophylaxis for the prevention of HIV or post-exposure prophylaxis to prevent HIV infection:

(1) refuse to issue or renew, deny or cancel any insurance policy or contract;

(2) demand or require a greater premium or payment from any person;

(3) designate use of pre-exposure prophylaxis for the prevention of HIV or post-exposure prophylaxis to prevent HIV infection as a preexisting condition, for which coverage will be denied or reduced;

(4) fix any lower rate or discriminate in the fees or commission of agents or brokers for writing or renewing such a policy.

(b) The fact that a person is or has used pre-exposure prophylaxis for the prevention of HIV and post-exposure prophylaxis to prevent HIV infection is not a permitted underwriting criterion.

§ 2. This act shall take effect immediately.

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

LBD00297-01-1