

STATE OF NEW YORK

5895

2021-2022 Regular Sessions

IN SENATE

March 22, 2021

Introduced by Sen. PARKER -- 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 prohibiting insurance companies from requiring individuals to disclose if such individual has been diagnosed with an HIV infection prior to issuing life insurance

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

1 Section 1. Paragraphs 2 and 3 of subsection (a) of section 4224 of the
2 insurance law, paragraph 2 as amended by chapter 713 of the laws of 1994
3 and paragraph 3 as amended by chapter 13 of the laws of 2002, are
4 amended and a new paragraph 4 is added to read as follows:

5 (2) refuse to insure, refuse to continue to insure or limit the
6 amount, extent or kind of coverage available to an individual, or charge
7 a different rate for the same coverage solely because of the physical or
8 mental disability, impairment or disease, or prior history thereof, of
9 the insured or potential insured, except where the refusal, limitation
10 or rate differential is permitted by law or regulation and is based on
11 sound actuarial principles or is related to actual or reasonably antic-
12 ipated experience, in which case the insurer[~~, subject to the limita-~~
13 ~~tions contained in section twenty-six hundred eleven of this chapter,~~
14 shall notify the insured or potential insured of the right to receive,
15 or to designate a medical professional to receive, the specific reason
16 or reasons for such refusal, limitation or rate differential;

17 (3) knowingly permit, and no agent thereof and no licensed insurance
18 broker shall offer to make or make, any policy of life insurance or
19 annuity contract or agreement as to such policy or contract other than
20 as plainly expressed in the policy or contract[~~-~~];

21 (4) require an individual to disclose if such individual has been
22 diagnosed with an HIV infection or HIV-related illness or require such
23 individual to submit to an HIV-related test, pursuant to section twen-

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

LBD10266-01-1

1 ty-six hundred eleven of this chapter, prior to issuing or renewing a
2 life insurance policy for such individual. As used in this paragraph,
3 the following terms shall have the following meanings: (i) "HIV
4 infection" shall mean an infection with the human immunodeficiency virus
5 or any other related virus identified as a probable causative agent of
6 AIDS, (ii) "HIV-related test" shall mean any laboratory test or series
7 of tests for any virus, antibody, antigen or etiologic agent whatsoever
8 thought to cause or to indicate the presence of AIDS, and (iii) "AIDS"
9 shall mean an acquired immune deficiency syndrome, as may be defined
10 from time to time by the centers for disease control of the United
11 States public health service.

12 § 2. Section 2611 of the insurance law is amended by adding a new
13 subsection (c-1) to read as follows:

14 (c-1) No insurer or its designee shall request or require an individ-
15 ual proposed for life insurance coverage to be the subject of an HIV-re-
16 lated test prior to issuing or renewing a life insurance policy for such
17 individual.

18 § 3. This act shall take effect on the ninetieth day after it shall
19 have become a law.