

# STATE OF NEW YORK

726

2021-2022 Regular Sessions

## IN SENATE

(Prefiled)

January 6, 2021

Introduced by Sen. HOYLMAN -- 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 gender indication on claim forms

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

1 Section 1. Subsection (i) of section 3216 of the insurance law is  
2 amended by adding a new paragraph 36 to read as follows:

3 (36) Every policy delivered or issued for delivery in this state that  
4 provides coverage for hospital, surgical or medical care shall not  
5 exclude coverage for screening, diagnosis and treatment of medical  
6 conditions, or services otherwise covered by the policy solely on the  
7 basis of the gender indicated on a claim form, or that the gender indi-  
8 cated on a claim form is different from the insured's sex assigned at  
9 birth or gender otherwise recorded, or that the insured is not of the  
10 gender to whom a service is typically or exclusively provided.

11 § 2. Subsection (1) of section 3221 of the insurance law is amended by  
12 adding a new paragraph 21 to read as follows:

13 (21) Every policy delivered or issued for delivery in this state that  
14 provides coverage for hospital, surgical or medical care shall not  
15 exclude coverage for screening, diagnosis and treatment of medical  
16 conditions, or services otherwise covered by the policy solely on the  
17 basis of the gender indicated on a claim form, or that the gender indi-  
18 cated on a claim form is different from the insured's sex assigned at  
19 birth or gender otherwise recorded, or that the insured is not of the  
20 gender to whom a service is typically or exclusively provided.

21 § 3. Section 4303 of the insurance law is amended by adding a new  
22 subsection (ss) to read as follows:

23 (ss) Every contract issued by a corporation subject to the provisions  
24 of this article that provides coverage for hospital, surgical or medical

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

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1 care shall not exclude coverage for screening, diagnosis and treatment  
2 of medical conditions, or services otherwise covered by the contract  
3 solely on the basis of the gender indicated on a claim form, or that the  
4 gender indicated on a claim form is different from the insured's sex  
5 assigned at birth or gender otherwise recorded, or that the insured is  
6 not of the gender to whom a service is typically or exclusively  
7 provided.

8 § 4. This act shall take effect on the first of January next succeed-  
9 ing the date on which it shall have become a law and shall apply to  
10 policies and contracts issued, renewed, modified, altered or amended on  
11 and after such date.