STATE OF NEW YORK

9080--B

IN SENATE

May 9, 2022

Introduced by Sens. HINCHEY, CLEARE, COONEY, JACKSON, LIU, MAY, MAYER, RIVERA -- read twice and ordered printed, and when printed to be committed to the Committee on Insurance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the insurance law, in relation to prohibiting medical malpractice insurance companies from taking any adverse action against a reproductive health care provider who provides legal reproductive health care

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 3436-a to read as follows:

§ 3436-a. 1. Adverse action against legal reproductive health care. Every insurer which issues or renews medical malpractice insurance covering a health care provider licensed to practice in this state shall be prohibited from taking any adverse action against a health care provider solely on the basis that the health care provider performs an abortion or provides reproductive health care that is legal in the state of New York on someone who is from out of the state. Such policy shall include health care providers who legally prescribe abortion medication to out-of-state patients by means of telehealth.

2. As used in this section, "adverse action" shall mean but not be limited to: (a) refusing to renew or execute a contract or agreement with a health care provider; (b) making a report or commenting to an appropriate private or governmental entity regarding practices of such provider which may violate abortion laws in other states; and (c) increasing in any charge for, or a reduction or other adverse or unfavorable change in the terms of coverage or amount for, any medical malpractice insurance contract or agreement with a health care provider.

§ 2. This act shall take effect immediately.

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

LBD15073-06-2