STATE OF NEW YORK

1167

2021-2022 Regular Sessions

IN ASSEMBLY

January 7, 2021

Introduced by M. of A. SEAWRIGHT, TAYLOR -- read once and referred to the Committee on Labor

AN ACT to amend the labor law, in relation to employee notification of contraceptive coverage

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

Section 1. Subdivision 2 of section 217 of the labor law is amended by adding a new paragraph (c) to read as follows:

(c) "Contraceptive coverage" shall mean that portion of a policy or contract of group accident, group health or group accident and health insurance that provides coverage for all federal food and drug administration-approved contraceptive drugs, devices, and other products including all federal food and drug administration-approved over-the-counter contraceptive drugs, devices, and products as prescribed or as otherwise authorized under state or federal law.

§ 2. Section 217 of the labor law is amended by adding a new subdivision 3-a to read as follows:

3-a. Contraceptive coverage notification. A policyholder shall provide written notice to certificate holders prior to modifying or replacing a policy or contract of group accident, group health or group accident and health insurance with another such policy or contract that alters, restricts, or terminates contraceptive coverage. Such notice shall be provided not less than ninety days prior to any such change in coverage. Where the certificate holders are employees represented by a labor organization, such notice shall also be promptly provided to the representative of such labor organization. A copy of such notice also shall be promptly provided to the commissioner and the departments of law and financial services. Such written notice shall be in accordance with applicable rules and regulations of the commissioner.

§ 3. The labor law is amended by adding a new section 217-a to read as follows:

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

LBD05648-01-1

§ 217-a. Prospective employee notification of contraceptive coverage. An employer who is issued a policy or contract for group accident, group health or group accident and health insurance that covers some or all of its employees shall provide notice to all persons who seek employment with such employer as to whether such policy or contract does not include any or all contraceptive coverage, as such term is defined in paragraph (c) of subdivision two of section two hundred seventeen of this article, pursuant to an exemption provided under paragraph sixteen of subsection (1) of section three thousand two hundred twenty-one of the insurance law or subsection (cc) of section four thousand three hundred three of the insurance law. Where such policy or contract includes some, but not all, contraceptive drugs and devices or their generic equivalents approved by the federal food and drug administration, such notice shall also specify which such drugs or devices are not included in such insurance coverage. Such notice shall be prominently displayed on the face of any written application for employment utilized by an employer or included on a separate written notice form to be provided to each person who receives such written application. Where such employer maintains a publicly accessible webpage that provides information on prospective employment opportunities, such employer shall provide clear and conspicuous notice on such webpage as to whether such employer provides contraceptive coverage and, if so, whether such coverage includes some, but not all, contraceptive drugs and devices or their generic equivalent approved by the federal food and drug administration. The commissioner, in consultation with the department of financial services, is authorized to promulgate such rules and regulations as he or she deems necessary to implement the provisions of this section.

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