STATE OF NEW YORK

38

2023-2024 Regular Sessions

IN ASSEMBLY

(Prefiled)

January 4, 2023

Introduced by M. of A. L. ROSENTHAL, SEAWRIGHT -- read once and referred to the Committee on Insurance

AN ACT to amend the insurance law, in relation to providing health insurance coverage for scalp cooling for the preservation of hair during cancer chemotherapy treatment

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

Section 1. Subsection (i) of section 3216 of the insurance law is amended by adding a new paragraph 12-b to read as follows:

(12-b) (A) Every policy delivered or issued for delivery in this state that provides medical, major medical, or similar comprehensive-type coverage and provides coverage for prescription drugs and also provides coverage for cancer chemotherapy treatment shall provide coverage for scalp cooling. Such coverage may be subject to co-pays, coinsurance or deductibles, provided that the co-pays, coinsurance or deductibles are at least as favorable to an insured as the co-pays, coinsurance or deductibles that apply to coverage for intravenous or injected anticancer medications.

(B) For the purposes of this paragraph, "scalp cooling" means any cooling cap, hypothermia cap, cold cap or any other device used as a therapeutic device to cool the human scalp to prevent or reduce hair loss during chemotherapy.

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

(12-b) (A) Every policy delivered or issued for delivery in this state that provides medical, major medical, or similar comprehensive-type coverage and provides coverage for prescription drugs and also provides coverage for cancer chemotherapy treatment shall provide coverage for scalp cooling. Such coverage may be subject to co-pays, coinsurance or deductibles, provided that the co-pays, coinsurance or deductibles are

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

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at least as favorable to an insured as the co-pays, coinsurance or deductibles that apply to coverage for intravenous or injected anticancer medications.

(B) For the purposes of this paragraph, "scalp cooling" means any cooling cap, hypothermia cap, cold cap or any other device used as a therapeutic device to cool the human scalp to prevent or reduce hair loss during chemotherapy.

§ 3. Section 4303 of the insurance law is amended by adding a new subsection (q-2) to read as follows:

(q-2) (1) Every policy delivered or issued for delivery in this state that provides medical, major medical, or similar comprehensive-type coverage and provides coverage for prescription drugs and also provides coverage for cancer chemotherapy treatment shall provide coverage for scalp cooling. Such coverage may be subject to co-pays, coinsurance or deductibles, provided that the co-pays, coinsurance or deductibles are at least as favorable to an insured as the co-pays, coinsurance or deductibles that apply to coverage for intravenous or injected anticancer medications.

(2) For the purposes of this subsection, "scalp cooling" means any cooling cap, hypothermia cap, cold cap or any other device used as a therapeutic device to cool the human scalp to prevent or reduce hair loss during chemotherapy.

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