

STATE OF NEW YORK

9661

IN ASSEMBLY

March 27, 2024

Introduced by M. of A. BORES -- read once and referred to the Committee on Insurance

AN ACT to amend the insurance law and the social services law, in relation to insurance and Medicaid coverage for standard fertility preservation services made necessary by cancer treatment

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

1 Section 1. Paragraph 13 of subsection (i) of section 3216 of the
2 insurance law is amended by adding a new subparagraph (D) to read as
3 follows:

4 (D) Every policy delivered or issued for delivery in this state that
5 provides coverage for hospital, surgical or medical care shall provide
6 coverage for standard fertility preservation services when a necessary
7 cancer treatment may directly or indirectly cause iatrogenic infertility
8 to a covered person. Coverage under this subparagraph shall not be
9 subject to any restrictions based upon the age of the covered person.
10 For the purposes of this subparagraph, "iatrogenic infertility" means an
11 impairment of fertility by surgery, radiation, chemotherapy or other
12 cancer treatment affecting reproductive organs or processes.

13 § 2. Paragraph 6 of subsection (k) of section 3221 of the insurance
14 law is amended by adding a new subparagraph (E) to read as follows:

15 (E) Every group policy delivered or issued for delivery in this state
16 that provides hospital, surgical or medical coverage shall provide
17 coverage for standard fertility preservation services when a necessary
18 cancer treatment may directly or indirectly cause iatrogenic infertility
19 to a covered person. Coverage under this subparagraph shall not be
20 subject to any restrictions based upon the age of the covered person.
21 For the purposes of this subparagraph, "iatrogenic infertility" means an
22 impairment of fertility by surgery, radiation, chemotherapy or other
23 cancer treatment affecting reproductive organs or processes.

24 § 3. Subsection (s) of section 4303 of the insurance law, as amended
25 by section 2 of part K of chapter 82 of the laws of 2002, is amended by
26 adding a new paragraph 5 to read as follows:

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

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1 (5) Every contract issued by a medical expense indemnity corporation,
2 hospital service corporation or health service corporation for delivery
3 in this state that provides hospital, surgical or medical coverage shall
4 provide coverage for standard fertility preservation services when a
5 necessary cancer treatment may directly or indirectly cause iatrogenic
6 infertility to a covered person. Coverage under this paragraph shall
7 not be subject to any restrictions based upon the age of the covered
8 person. For the purposes of this paragraph, "iatrogenic infertility"
9 means an impairment of fertility by surgery, radiation, chemotherapy or
10 other cancer treatment affecting reproductive organs or processes.

11 § 4. Subdivision 2 of section 365-a of the social services law is
12 amended by adding a new paragraph (nn) to read as follows:

13 (nn) standard fertility preservation services when a necessary cancer
14 treatment may directly or indirectly cause iatrogenic infertility. For
15 the purposes of this section, "iatrogenic infertility" means an impair-
16 ment of fertility by surgery, radiation, chemotherapy or other cancer
17 treatment affecting reproductive organs or processes.

18 § 5. This act shall take effect immediately and shall apply to all
19 policies issued, renewed, altered or modified on or after such date.