STATE OF NEW YORK

201

2023-2024 Regular Sessions

IN SENATE

(Prefiled)

January 4, 2023

Introduced by Sens. CLEARE, ADDABBO -- read twice and ordered printed, and when printed to be committed to the Committee on Women's Issues

AN ACT to amend the insurance law, in relation to permitting pregnant women to enroll in health insurance during a special enrollment period without penalty

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

Section 1. Subparagraph (B) of paragraph 4 of subsection (b) of section 4328 of the insurance law, as amended by chapter 11 of the laws of 2016, is amended to read as follows:

(B) In addition to the enrollment periods required in subparagraph (A) of this paragraph, an individual enrollee direct payment contract offered pursuant to this section shall allow for the enrollment of a pregnant individual. Such individual may enroll at any time after a health care professional licensed pursuant to title eight of the education law and acting within the scope of his or her practice certifies that the individual is pregnant**. Such health insurance policy or contract shall not impose a fee or other penalty for special enrollment of the pregnant individual**. Upon enrollment, coverage shall be effective as of the first day of the month in which the health care professional certifies that the individual is pregnant, unless the individual elects to have coverage effective on the first day of the month following the date that the individual received certification of the pregnancy.

§ 2. This act shall take effect on the first of January next succeeding the date on which it shall have become a law and shall apply to all policies or contracts issued, renewed, modified, altered or amended on or after such effective date. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.

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

LBD02059-01-3