STATE OF NEW YORK

3216--A

2023-2024 Regular Sessions

IN SENATE

January 30, 2023

Introduced by Sens. CLEARE, HOYLMAN-SIGAL -- read twice and ordered printed, and when printed to be committed to the Committee on Insurance -- recommitted to the Committee on Insurance in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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:

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

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

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

(E) Every group policy delivered or issued for delivery in this state that provides hospital, surgical or medical coverage shall provide coverage for standard fertility preservation services when a necessary cancer treatment may directly or indirectly cause iatrogenic infertility to a covered person. Coverage under this subparagraph shall not be subject to any restrictions based upon the age of the covered person. For the purposes of this subparagraph, "iatrogenic infertility" means an

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

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impairment of fertility by surgery, radiation, chemotherapy or other cancer treatment affecting reproductive organs or processes.

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

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

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

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

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