

# STATE OF NEW YORK

8973

## IN SENATE

April 4, 2024

Introduced by Sen. SCARCELLA-SPANTON -- read twice and ordered printed,  
and when printed to be committed to the Committee on Insurance

AN ACT to amend the insurance law, in relation to expanded coverage of  
in vitro fertilization

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

1 Section 1. Item (vii) of subparagraph (C) of paragraph 6 of subsection  
2 (k) of section 3221 of the insurance law, as amended by section 1 of  
3 part L of chapter 57 of the laws of 2019, is amended to read as follows:

4 (vii) Every large group policy delivered or issued for delivery in  
5 this state that provides medical, major medical or similar comprehen-  
6 sive-type coverage shall provide coverage for [~~three cycles of in-vitro~~  
7 in vitro fertilization used in the treatment of infertility. Coverage  
8 may be subject to annual deductibles and coinsurance, including copay-  
9 ments, as may be deemed appropriate by the superintendent and as are  
10 consistent with those established for other benefits within a given  
11 policy. [~~For purposes of this item, a "cycle" is defined as either all~~  
12 ~~treatment that starts when: preparatory medications are administered for~~  
13 ~~ovarian stimulation for oocyte retrieval with the intent of undergoing~~  
14 ~~in-vitro fertilization using a fresh embryo transfer, or medications are~~  
15 ~~administered for endometrial preparation with the intent of undergoing~~  
16 ~~in-vitro fertilization using a frozen embryo transfer.]~~

17 § 2. Subparagraph (G) of paragraph 3 of subsection (s) of section 4303  
18 of the insurance law, as amended by section 2 of part L of chapter 57 of  
19 the laws of 2019, is amended to read as follows:

20 (G) Every large group contract that provides medical, major medical or  
21 similar comprehensive-type coverage shall provide coverage for [~~three~~  
22 ~~cycles of in-vitro~~] in vitro fertilization used in the treatment of  
23 infertility. Coverage may be subject to annual deductibles and coinsu-  
24 rance, including copayments, as may be deemed appropriate by the super-  
25 intendent and as are consistent with those established for other bene-  
26 fits within a given contract. [~~For purposes of this subparagraph, a~~  
27 ~~"cycle" is defined as either all treatment that starts when: preparatory~~  
28 ~~medications are administered for ovarian stimulation for oocyte~~

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

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1 ~~retrieval with the intent of undergoing in vitro fertilization using a~~  
2 ~~fresh embryo transfer, or medications are administered for endometrial~~  
3 ~~preparation with the intent of undergoing in vitro fertilization using a~~  
4 ~~frozen embryo transfer.]~~

5 § 3. This act shall take effect January 1, 2025 and shall apply to  
6 policies and contracts issued, renewed, modified, altered or amended on  
7 or after such date.