

# STATE OF NEW YORK

927

2023-2024 Regular Sessions

## IN SENATE

January 9, 2023

Introduced by Sen. PERSAUD -- 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 requiring health insurance policies to fully cover comprehensive genetic testing and FDA approved biomarker testing for ovarian and prostate cancers

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

1 Section 1. This act shall be known and may be cited as the "Ana Lucia  
2 act".

3 § 2. Paragraph 11-a of subsection (i) of section 3216 of the insurance  
4 law is amended by adding a new subparagraph (C) to read as follows:

5 (C) (i) Such policy shall provide additional full coverage for compre-  
6 hensive genetic testing and FDA approved testing based on family or  
7 person's history for prostatic and ovarian cancer when recommended by a  
8 doctor, a board-certified geneticist or a board-certified genetic coun-  
9 selor. Such coverage shall also be provided after the patient's initial  
10 diagnosis. Patients need to know if they carry the genetic or inheri-  
11 tance mutation, which can help to determine possible treatments. Genetic  
12 screening shall be covered for prostate and ovarian cancer patients'  
13 family members. The genetic result shall not be used against family  
14 members that carry the genetic or inheritance mutation for insurance  
15 coverage purposes.

16 (ii) All costs associated with such additional full coverage shall not  
17 be subject to annual deductibles and coinsurance but shall be borne  
18 solely by the insurer.

19 § 3. Paragraph 11-a of subsection (l) of section 3221 of the insurance  
20 law is amended by adding a new subparagraph (C) to read as follows:

21 (C)(i) Such policy shall provide additional full coverage for compre-  
22 hensive genetic testing and FDA approved testing based on family or  
23 person's history for prostatic and ovarian cancer when recommended by a  
24 doctor, a board-certified geneticist or a board-certified genetic coun-

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

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1 selor. Such coverage shall also be provided after the patient's initial  
2 diagnosis. Patients need to know if they carry the genetic or inheri-  
3 tance mutation, which can help to determine possible treatments. Genetic  
4 screening shall be covered for prostate and ovarian cancer patients'  
5 family members. The genetic result shall not be used against family  
6 members that carry the genetic or inheritance mutation for insurance  
7 coverage purposes.

8 (ii) All costs associated with such additional full coverage shall not  
9 be subject to annual deductibles and coinsurance but shall be borne  
10 solely by the insurer.

11 § 4. Subsection (z-1) of section 4303 of the insurance law is amended  
12 by adding a new paragraph 3 to read as follows:

13 (3)(A) Such policy shall provide additional full coverage for compre-  
14 hensive genetic testing and FDA approved testing based on family or  
15 person's history for prostatic and ovarian cancer when recommended by a  
16 doctor, a board-certified geneticist or a board-certified genetic coun-  
17 selor.

18 (B) All costs associated with such additional full coverage shall not  
19 be subject to annual deductibles and coinsurance but shall be borne  
20 solely by the insurer. Such coverage shall also be provided after the  
21 patient's initial diagnosis. Patients need to know if they carry the  
22 genetic or inheritance mutation, which can help to determine possible  
23 treatments. Genetic screening shall be covered for prostate and ovarian  
24 cancer patients' family members. The genetic result shall not be used  
25 against family members that carry the genetic or inheritance mutation  
26 for insurance coverage purposes.

27 § 5. This act shall take effect on the sixtieth day after it shall  
28 have become a law and shall apply to all policies, contracts and certif-  
29 icates issued, renewed, modified, altered or amended on or after such  
30 date.