STATE OF NEW YORK

9814

IN SENATE

May 31, 2024

Introduced by Sen. KRUEGER -- 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 financial loss as a result of a failed in-vitro fertilization or intrauterine insemination

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

Section 1. Subparagraph (D) of paragraph 17 of subsection (a) of section 1113 of the insurance law, as amended by section 22 of part L of chapter 56 of the laws of 2020, is amended to read as follows:

(D) (i) (I) Indemnifying an adoptive parent for verifiable expenses not prohibited under the law paid to or on behalf of the birth mother when either one or both of the birth parents of the child withdraw or withhold their consent to adoption. Such expenses may include maternity-connected medical or hospital expenses of the birth mother, necessary living expenses of the birth mother preceding and during confinement, travel expenses of the birth mother to arrange for the adoption of the child, legal fees of the birth mother, and any other expenses that an adoptive parent may lawfully pay to or on behalf of the birth mother; [~~or~~]

(II) Indemnifying an intended parent for financial loss incurred as a result of the failure by the person acting as surrogate to perform under the surrogacy contract due to death, bodily injury, sickness, disappearance of the person acting as surrogate, late miscarriage, or stillbirth. Such financial loss shall include medical and hospital expenses, insurance co-payments, deductibles, and coinsurance, necessary living expenses of the person acting as surrogate during the term of the surrogacy contract, travel expenses to arrange for the surrogacy, legal fees of the person acting as surrogate, and any other expenses that an intended parent may lawfully pay to or on behalf of the person acting as surrogate; **or**

(III) Indemnifying an intended parent for expenses disbursed when either the intended parent or a person acting as surrogate receives in-vitro fertilization or intrauterine insemination treatment that fails and does not result in the birth of a child. Expenses may include

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

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living expenses of the person acting as surrogate during the in-vitro fertilization or intrauterine insemination treatment and expenses incurred by the intended parent or person acting as surrogate to travel for the in-vitro fertilization or intrauterine insemination treatment. Expenses also may include medical and hospital expenses not covered under the intended parent's or person acting as surrogate's comprehensive health insurance and insurance co-payments, deductibles, and coinsurance, but credit insurance as defined in this clause shall not solely cover such medical and hospital expenses, co-payments, deductibles, or coinsurance; and

(ii) For the purposes of this subparagraph "adoptive parent" means the parent or [~~his or her~~] the parent's spouse seeking to adopt a child, "birth mother" means the biological mother of the child, "birth parent" means the biological mother or biological father of the child, and the terms "donor", "intended parent", "person acting as surrogate", and "surrogacy agreement" shall have the meaning set forth in section 581-102 of the family court act; or

§ 2. The insurance law is amended by adding a new section 3437 to read as follows:

§ 3437. Credit insurance for in-vitro fertilization or intrauterine insemination. (a) Except as provided in subsection (b) of this section, an insurer that issues a credit insurance policy pursuant to clause (III) of item (i) of subparagraph (D) of paragraph seventeen of subsection (a) of section one thousand one hundred thirteen of this chapter shall provide a statement in the application for the insurance policy and in a prominent writing upon policy issuance that the credit insurance policy is not a substitute for comprehensive health insurance.

(b) An excess line broker who procures such a credit insurance policy pursuant to section two thousand one hundred five of this chapter shall provide the statement required by subsection (a) of this section on behalf of the insurer.

§ 3. This act shall take effect on the thirtieth day after it shall have become a law.