STATE OF NEW YORK

8834

IN ASSEMBLY

January 18, 2024

Introduced by M. of A. WEPRIN -- read once and referred to the Committee on Insurance

AN ACT to amend the insurance law, in relation to prohibiting discrimination against individuals who tested positive for HIV or who were prescribed preexposure prophylaxis medication for HIV prevention with respect to life, accident, and health insurance coverage

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

Section 1. Paragraphs 3 of subsections (a) and (b) of section 4224 of the insurance law, paragraph 3 of subsection (a) as amended by chapter 13 of the laws of 2002 and paragraph 3 of subsection (b) as amended by chapter 713 of the laws of 1994, are amended to read as follows:

(3) **refuse to insure, refuse to continue to insure or limit the amount, extent or kind of coverage available to an individual, or charge a different rate for the same coverage solely because, the insured or potential insured tested positive for HIV or was prescribed preexposure prophylaxis medication to prevent HIV infection, except where the refusal, limitation or rate differential is permitted by law or regulation and is based on sound actuarial principles or is related to actual or reasonably anticipated experience, in which case the insurer, subject to the limitations contained in section two thousand six hundred eleven of this chapter, shall notify the insured or potential insured of the right to receive, or to designate a medical professional to receive, the specific reason or reasons for such refusal, limitation or rate differential;**

(4) knowingly permit, and no agent thereof and no licensed insurance broker shall offer to make or make, any policy of life insurance or annuity contract or agreement as to such policy or contract other than as plainly expressed in the policy or contract.

(3) **refuse to insure, refuse to continue to insure or limit the amount, extent or kind of coverage available to an individual, or charge a different rate for the same coverage solely because the insured or potential insured tested positive for HIV or was prescribed preexposure prophylaxis medication to prevent HIV infection, except where the**

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

LBD13530-03-4

refusal, limitation or rate differential is permitted by law or regulation and is based on sound actuarial principles or is related to actual or reasonably anticipated experience, in which case the insurer, subject to the limitations contained in section two thousand six hundred eleven of this chapter, shall notify the insured or potential insured of the right to receive, or to designate a medical professional to receive, the specific reason or reasons for such refusal, limitation or rate differential;

(4) knowingly permit or offer to make or make, any policy of accident and health insurance, other than as plainly expressed in the policy.

§ 2. This act shall take effect immediately.