

# STATE OF NEW YORK

2063

2023-2024 Regular Sessions

## IN SENATE

January 18, 2023

Introduced by Sen. STAVISKY -- 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 providing health insurance coverage for scalp cooling for the preservation of hair during cancer chemotherapy treatment

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

1 Section 1. Subsection (i) of section 3216 of the insurance law is  
2 amended by adding a new paragraph 12-b to read as follows:

3 (12-b) (A) Every policy delivered or issued for delivery in this state  
4 that provides medical, major medical, or similar comprehensive-type  
5 coverage and provides coverage for prescription drugs and also provides  
6 coverage for cancer chemotherapy treatment shall provide coverage for  
7 scalp cooling. Such coverage may be subject to co-pays, coinsurance or  
8 deductibles, provided that the co-pays, coinsurance or deductibles are  
9 at least as favorable to an insured as the co-pays, coinsurance or  
10 deductibles that apply to coverage for intravenous or injected anticancer  
11 medications.

12 (B) For the purposes of this paragraph, "scalp cooling" means any  
13 cooling cap, hypothermia cap, cold cap or any other device used as a  
14 therapeutic device to cool the human scalp to prevent or reduce hair  
15 loss during chemotherapy.

16 § 2. Subsection (1) of section 3221 of the insurance law is amended by  
17 adding a new paragraph 12-b to read as follows:

18 (12-b) (A) Every policy delivered or issued for delivery in this state  
19 that provides medical, major medical, or similar comprehensive-type  
20 coverage and provides coverage for prescription drugs and also provides  
21 coverage for cancer chemotherapy treatment shall provide coverage for  
22 scalp cooling. Such coverage may be subject to co-pays, coinsurance or  
23 deductibles, provided that the co-pays, coinsurance or deductibles are  
24 at least as favorable to an insured as the co-pays, coinsurance or

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

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1 deductibles that apply to coverage for intravenous or injected antican-  
2 cer medications.

3 (B) For the purposes of this paragraph, "scalp cooling" means any  
4 cooling cap, hypothermia cap, cold cap or any other device used as a  
5 therapeutic device to cool the human scalp to prevent or reduce hair  
6 loss during chemotherapy.

7 § 3. Section 4303 of the insurance law is amended by adding a new  
8 subsection (q-2) to read as follows:

9 (q-2) (1) Every policy delivered or issued for delivery in this state  
10 that provides medical, major medical, or similar comprehensive-type  
11 coverage and provides coverage for prescription drugs and also provides  
12 coverage for cancer chemotherapy treatment shall provide coverage for  
13 scalp cooling. Such coverage may be subject to co-pays, coinsurance or  
14 deductibles, provided that the co-pays, coinsurance or deductibles are  
15 at least as favorable to an insured as the co-pays, coinsurance or  
16 deductibles that apply to coverage for intravenous or injected antican-  
17 cer medications.

18 (2) For the purposes of this subsection, "scalp cooling" means any  
19 cooling cap, hypothermia cap, cold cap or any other device used as a  
20 therapeutic device to cool the human scalp to prevent or reduce hair  
21 loss during chemotherapy.

22 § 4. This act shall take effect on the sixtieth day after it shall  
23 have become a law.