

# STATE OF NEW YORK

2063--A

Cal. No. 877

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 -- recommitted to the Committee on Insurance in accordance with Senate Rule 6, sec. 8 -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the insurance law, in relation to providing health insurance coverage for scalp cooling systems 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:

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

(12-b) (A) Every policy delivered or issued for delivery in this state that provides medical, major medical, or similar comprehensive-type coverage and provides coverage cancer chemotherapy treatment shall provide coverage for scalp cooling systems used in connection with cancer chemotherapy treatment. Coverage provided under this paragraph may be subject to annual deductibles and coinsurance, including copayments, as may be deemed appropriate by the superintendent and as are consistent with those established for other benefits within a given policy.

(B) For the purposes of this paragraph, "scalp cooling system" means any device used to cool the human scalp to prevent or reduce hair loss during cancer chemotherapy treatment, provided that such device is designed and intended for repeated use and is primarily and customarily used to serve a medical purpose.

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

(12-b) (A) Every policy delivered or issued for delivery in this state that provides medical, major medical, or similar comprehensive-type

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

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1 coverage and provides coverage for cancer chemotherapy treatment shall  
2 provide coverage for scalp cooling systems used in connection with  
3 cancer chemotherapy treatment. Coverage provided under this paragraph  
4 may be subject to annual deductibles and coinsurance, including copay-  
5 ments, as may be deemed appropriate by the superintendent and as are  
6 consistent with those established for other benefits within a given  
7 policy.

8 (B) For the purposes of this paragraph, "scalp cooling system" means  
9 any device used to cool the human scalp to prevent or reduce hair loss  
10 during cancer chemotherapy treatment, provided that such device is  
11 designed and intended for repeated use and is primarily and customarily  
12 used to serve a medical purpose.

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

15 (q-2) (1) Every policy delivered or issued for delivery in this state  
16 that provides medical, major medical, or similar comprehensive-type  
17 coverage and provides coverage for cancer chemotherapy treatment shall  
18 provide coverage for scalp cooling systems used in connection with  
19 cancer chemotherapy treatment. Coverage provided under this subsection  
20 may be subject to annual deductibles and coinsurance, including copay-  
21 ments, as may be deemed appropriate by the superintendent and as are  
22 consistent with those established for other benefits within a given  
23 policy.

24 (2) For the purposes of this subsection, "scalp cooling system" means  
25 any device used to cool the human scalp to prevent or reduce hair loss  
26 during cancer chemotherapy treatment, provided that such device is  
27 designed and intended for repeated use and is primarily and customarily  
28 used to serve a medical purpose.

29 § 4. This act shall take effect January 1, 2026 and shall apply to any  
30 policy or contract issued, renewed, modified, altered, or amended on or  
31 after such date.