STATE OF NEW YORK

3234--A

2023-2024 Regular Sessions

IN SENATE

January 30, 2023

Introduced by Sen. HOYLMAN-SIGAL -- read twice and ordered printed, and when printed to be committed to the Committee on Insurance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the insurance law, in relation to prohibiting the exclusion of coverage based upon gender indication on claim forms

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 39 to read as follows:

(39) Every policy that provides coverage for hospital, surgical or medical care shall not exclude coverage for screening, diagnosis and treatment of medical conditions, or services otherwise covered by the policy solely on the basis of the gender indicated on a claim form, or that the gender indicated on a claim form is different from the insured's sex assigned at birth or gender otherwise recorded, or that the insured is not of the gender to whom a service is provided. Nothing herein shall limit the insurer's ability to take reasonable steps, including requesting additional information, to determine whether the insured is eligible for the services, to review the claim for potential fraud, or to review the claim for clinical appropriateness.

§ 2. Subsection (l) of section 3221 of the insurance law is amended by adding a new paragraph 22 to read as follows:

(22) Every policy that provides coverage for hospital, surgical or medical care shall not exclude coverage for screening, diagnosis and treatment of medical conditions, or services otherwise covered by the policy solely on the basis of the gender indicated on a claim form, or that the gender indicated on a claim form is different from the insured's sex assigned at birth or gender otherwise recorded, or that the insured is not of the gender to whom a service is provided. Nothing herein shall limit the insurer's ability to take reasonable steps,

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

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including requesting additional information, to determine whether the insured is eligible for the services, to review the claim for potential fraud, or to review the claim for clinical appropriateness.

§ 3. Section 4303 of the insurance law is amended by adding a new subsection (vv) to read as follows:

(vv) Every contract that provides coverage for hospital, surgical or medical care shall not exclude coverage for screening, diagnosis and treatment of medical conditions, or services otherwise covered by the contract solely on the basis of the gender indicated on a claim form, or that the gender indicated on a claim form is different from the insured's sex assigned at birth or gender otherwise recorded, or that the insured is not of the gender to whom a service is provided. Nothing herein shall limit the insurer's ability to take reasonable steps, including requesting additional information, to determine whether the insured is eligible for the services, to review the claim for potential fraud, or to review the claim for clinical appropriateness.

§ 4. This act shall take effect on the first of January next succeeding the date on which it shall have become a law and shall apply to policies and contracts issued, renewed, modified, altered or amended on or after such effective date.