

STATE OF NEW YORK

8144

IN SENATE

January 9, 2024

Introduced by Sen. BRESLIN -- 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 prohibiting discrimination against individuals 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:

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

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

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

21 (3) refuse to insure, refuse to continue to insure or limit the
22 amount, extent or kind of coverage available to an individual, or charge
23 a different rate for the same coverage solely because the insured or
24 potentially insured was prescribed preexposure prophylaxis medication to
25 prevent HIV infection, except where the refusal, limitation or rate
26 differential is permitted by law or regulation and is based on sound

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

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1 actuarial principles or is related to actual or reasonably anticipated
2 experience, in which case the insurer, subject to the limitations
3 contained in section two thousand six hundred eleven of this chapter,
4 shall notify the insured or potential insured of the right to receive,
5 or to designate a medical professional to receive, the specific reason
6 or reasons for such refusal, limitation or rate differential;

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

9 § 2. This act shall take effect immediately.