

STATE OF NEW YORK

3795

2025-2026 Regular Sessions

IN ASSEMBLY

January 30, 2025

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 financial loss as a result of a failed in-vitro fertilization or intrauterine insemination

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

1 Section 1. Subparagraph (D) of paragraph 17 of subsection (a) of
2 section 1113 of the insurance law, as amended by section 22 of part L of
3 chapter 56 of the laws of 2020, is amended to read as follows:

4 (D) (i) (I) Indemnifying an adoptive parent for verifiable expenses
5 not prohibited under the law paid to or on behalf of the [~~birth mother~~]
6 gestational parent when either one or both of the birth parents of the
7 child withdraw or withhold their consent to adoption. Such expenses may
8 include maternity-connected medical or hospital expenses of the [~~birth~~
9 ~~mother~~] gestational parent, necessary living expenses of the [~~birth~~
10 ~~mother~~] gestational parent preceding and during confinement, travel
11 expenses of the [~~birth—mother~~] gestational parent to arrange for the
12 adoption of the child, legal fees of the [~~birth—mother~~] gestational
13 parent, and any other expenses that an adoptive parent may lawfully pay
14 to or on behalf of the [~~birth—mother~~] gestational parent; [~~or~~]

15 (II) Indemnifying an intended parent for financial loss incurred as a
16 result of the failure by the person acting as surrogate to perform under
17 the surrogacy contract due to death, bodily injury, sickness, disappear-
18 ance of the person acting as surrogate, late miscarriage, or stillbirth.
19 Such financial loss shall include medical and hospital expenses, insur-
20 ance co-payments, deductibles, and coinsurance, necessary living
21 expenses of the person acting as surrogate during the term of the surro-
22 gacy contract, travel expenses to arrange for the surrogacy, legal fees
23 of the person acting as surrogate, and any other expenses that an
24 intended parent may lawfully pay to or on behalf of the person acting as
25 surrogate; or

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

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1 (III) Indemnifying an intended parent for expenses disbursed when
2 either the intended parent or a person acting as surrogate receives
3 in-vitro fertilization or intrauterine insemination treatment that fails
4 and does not result in the birth of a child. Expenses may include
5 living expenses of the person acting as surrogate during the in-vitro
6 fertilization or intrauterine insemination treatment and expenses
7 incurred by the intended parent or person acting as surrogate to travel
8 for the in-vitro fertilization or intrauterine insemination treatment.
9 Expenses also may include medical and hospital expenses not covered
10 under the intended parent's or person acting as surrogate's comprehen-
11 sive health insurance and insurance co-payments, deductibles, and coin-
12 surance, but credit insurance as defined in this clause shall not solely
13 cover such medical and hospital expenses, co-payments, deductibles, or
14 coinsurance; and

15 (ii) For the purposes of this subparagraph "adoptive parent" means the
16 parent or [~~his or her~~] the parent's spouse seeking to adopt a child,
17 [~~"birth-mother"~~] "gestational parent" means the [~~biological-mother-of~~]
18 person giving birth to the child, "birth parent" means the biological
19 [~~mother or biological father~~] parents of the child, and the terms
20 "donor", "intended parent", "person acting as surrogate", and "surrogacy
21 agreement" shall have the meaning set forth in section 581-102 of the
22 family court act; or

23 § 2. The insurance law is amended by adding a new section 3437 to
24 read as follows:

25 § 3437. Credit insurance for in-vitro fertilization or intrauterine
26 insemination. (a) Except as provided in subsection (b) of this section,
27 an insurer that issues a credit insurance policy pursuant to clause
28 (III) of item (i) of subparagraph (D) of paragraph seventeen of
29 subsection (a) of section one thousand one hundred thirteen of this
30 chapter shall provide a statement in the application for the insurance
31 policy and in a prominent writing upon policy issuance that the credit
32 insurance policy is not a substitute for comprehensive health insurance.

33 (b) An excess line broker who procures such a credit insurance policy
34 pursuant to section two thousand one hundred five of this chapter shall
35 provide the statement required by subsection (a) of this section on
36 behalf of the insurer.

37 § 3. This act shall take effect on the thirtieth day after it shall
38 have become a law.