STATE OF NEW YORK

5624--A

2025-2026 Regular Sessions

IN ASSEMBLY

February 18, 2025

Introduced by M. of A. LUCAS -- read once and referred to the Committee on Local Governments -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the county law, the public health law and the insurance law, in relation to enacting the mental health assessment and record keeping for the coroner's office act

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

Section 1. This act shall be known and may be cited as the "mental health assessment and record keeping for the coroner's office act".

§ 2. Subdivision 3 of section 674 of the county law is amended by adding a new paragraph (c) to read as follows:

(c) (i) The coroner or coroner and coroner's physician, or the medical examiner, also shall make or cause to be made, a mental health assessment which shall include, but not be limited to, a thorough evaluation of the individual's medical and psychiatric history after a review of any available documentation, including but not limited to medication records or therapy reports. The coroner or coroner and coroner's physician, or the medical examiner, shall acquire any necessary medical, psychiatric, or therapy records required to perform the mental health assessment.

(ii) Upon completion of the mental health assessment, the coroner or coroner and coroner's physician, or the medical examiner, shall reduce to writing on a form prescribed by the commissioner of health any findings including, but not limited to, any indications of mental distress or illness and any evidence of mental health disorders, including but not limited to schizophrenia, depression, PTSD, and bipolar disorder.

(iii) Any documents acquired for or produced by the mental health assessment, including but not limited to any medical records, therapy notes, and the coroner's findings other than such findings included on the death certificate, shall be kept confidential and protected in

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

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accordance with any applicable privacy laws and shall not be made available for disclosure or inspection under the state freedom of information law. Such documents shall only be used for research and prevention efforts.

§ 3. Subdivision 4 of section 4141 of the public health law is amended by adding a new paragraph (e) to read as follows:

(e) No death certificate shall cite suicide as a diagnosis, label, cause of death, or contributing factor to any death where the coroner, coroner and coroner's physician, or the medical examiner's mental health assessment, conducted under subdivision three of section six hundred seventy-four of the county law, determined the individual had indications of mental distress or illness and/or any evidence of mental health disorders, including but not limited to schizophrenia, depression, PTSD, and bipolar disorder and shall instead indicate such distress, illness, and/or disorder on the death certificate as the cause of death.

§ 4. Subparagraph (B) of paragraph 1 of subsection (b) of section 3203 of the insurance law is amended to read as follows:

(B) suicide within two years from the date of issue of the policy except for where the coroner, coroner and coroner's physician, or the medical examiner's mental health assessment, conducted under subdivision three of section six hundred seventy-four of the county law, determined the individual had indications of mental distress or illness and/or any evidence of mental health disorders, including but not limited to schizophrenia, depression, PTSD, and bipolar disorder and indicated such as the cause of death on the death certificate;

§ 5. Subparagraph (C) of paragraph 5 of subsection (e) of section 3209 of the insurance law, as amended by chapter 616 of the laws of 1997, is amended to read as follows:

(C) guaranteed amount payable upon death at the beginning of the policy year regardless of the cause of death, other than: (i) suicide, except for where the coroner, coroner and coroner's physician, or the medical examiner's mental health assessment, conducted under subdivision three of section six hundred seventy-four of the county law, determined the individual had indications of mental distress or illness and/or any evidence of mental health disorders, including but not limited to schizophrenia, depression, PTSD, and bipolar disorder and indicated such as the cause of death on the death certificate; or (ii) other specifically enumerated exclusions, which is provided by the basic policy and each optional rider, with benefits provided under the basic policy and each rider shown separately;

§ 6. Paragraph 6 of subsection (a) of section 3220 of the insurance law, as amended by chapter 287 of the laws of 1997, is amended to read as follows:

(6) That if the insurance on an employee or member covered under the policy, other than one issued in accordance with paragraph three or eight of subsection (b) of section four thousand two hundred sixteen of this chapter, (A) ceases because of termination of (i) employment or of membership in the class or classes eligible for coverage under the policy, or (ii) the policy, or (B) is reduced (i) in the case of a policy covering an employee or union member under a plan arranged by the insured person's employer or union, on or after the employee's or union member's attainment of age sixty in any increment or series of increments aggregating twenty percent or more of the amount of coverage in force before the first reduction on account of such age, (ii) in the case of a policy covering any member other than as described in item (i)

of this subparagraph, at the time of the first reduction of insurance, (iii) due to change in class or (iv) due to an amendment of the policy to take effect immediately or at any subsequent date, such employee or such member shall be entitled to have issued to [~~him~~] **them** by the insurer, without evidence of insurability, upon application made to the insurer within thirty-one days after such termination or reduction of insurance and payment of the premium applicable to the class of risk to which [~~he belongs~~] **they belong** and to the form and amount of the policy at [~~his~~] **their** then attained age, a policy of life insurance only, in any one of the forms customarily issued by such insurer, except term insurance, in an amount equal to the amount of [~~his~~] **their** protection under such group insurance policy at the time of such termination or reduction, less any amount of life insurance remaining in force, except however, in the case of a reduction in accordance with item (ii) of subparagraph (B) of this paragraph, in an amount equal to eighty percent of [~~his~~] **their** insurance coverage under such group policy immediately prior to such reduction. Under a group policy issued pursuant to paragraph twelve, thirteen or fourteen of subsection (b) of section four thousand two hundred sixteen of this chapter, an insured shall be entitled to convert, just as if [~~he~~] **they** had terminated membership in the class or classes eligible for coverage, within thirty-one days after notice from the insurer that, in order to continue [~~his~~] **their** coverage under the group policy, [~~he~~] **they** must contribute more than one hundred thirty-three percent of the net premiums computed according to the Commissioners 1960 Standard Group Mortality Table at three percent interest. The group policy may contain a provision that if the policyholder or insurer shall terminate the policy, the amount of life insurance that may be converted shall in no event exceed the amount of such employee's or member's life insurance protection less any amount of life insurance for which [~~he~~] **they** may be or may become eligible under any group policy issued or reinstated by the same or another insurer within forty-five days after the date of such cessation. However, at the option of such employee or member, [~~he~~] **they** shall be entitled to have issued to [~~him~~] **them** in accordance with the conditions prescribed above, a policy of life insurance only, in any one of such forms, preceded by term insurance for a period of one year with the premium payable, at the option of the employee or member, in any mode customarily offered by the insurer. In addition, the group policy shall contain a provision that if the coverage of an employee or member ceases because of termination of employment due to the employee's total and permanent disability or termination of membership due to the member's total and permanent disability, the employee or member, at the option of such employee or member, shall be entitled to have issued to [~~him~~] **them**, a policy of life insurance only, in any one of such forms, preceded by term insurance for a period of one year with the premium payable, at the option of the employee or member, in any mode customarily offered by the insurer, in the amount of such employee's or member's life insurance protection in effect immediately before termination, less the amount of any life insurance which is replaced with the same or another insurer within forty-five days after cessation of the group life insurance protection. Each such group policy shall contain a further provision to the effect that upon the death of any such employee or member during such thirty-one day period and before any such individual policy has become effective, the amount of insurance for which such employee or member was entitled to make application shall be payable as a death benefit by the insurer; provided, however, each such policy may contain a provision obligating the policyholder to pay a premium to the insurer for coverage extended during such thirty-one day period in the event the extension of coverage is a direct result of the policyholder's voluntary termination of the policy and the policyholder replaces coverage under the policy within six months of its termination either with the insurer or with another insurer. The individual conversion policy may provide that any statement made by the person insured under the group policy relating to [~~his~~] **their** insurability under such group policy may be used in contesting the validity of the insurance under the individual conversion policy to the same extent that such statement could have been used in contesting the validity of [~~his~~] **their** insurance under the group policy if [~~his~~] **their** insurance under the group policy had not ceased. An individual conversion policy shall not exclude or restrict liability in the event of suicide of the insured after two years from the date that the insured became covered under the group policy **except for where the coroner, coroner and coroner's physician, or the medical examiner's mental health assessment, conducted under subdivision three of section six hundred seventy-four of the county law, determined the individual had indications of mental distress or illness and/or any evidence of mental health disorders, including but not limited to schizophrenia, depression, PTSD, and bipolar disorder and indicated such as the cause of death on the death certificate**. Notwithstanding the foregoing, the superintendent may require conversion or continuation of insurance under conditions as set forth in a regulation for insureds under a policy issued in accordance with paragraph three of subsection (b) of section four thousand two hundred sixteen of this chapter.

§ 7. Subparagraph (D) of paragraph 1 of subsection (b) of section 4510 of the insurance law is amended to read as follows:

(D) as a result of suicide within two years from the date of issue of the certificate **except for where the coroner, coroner and coroner's physician, or the medical examiner's mental health assessment, conducted under subdivision three of section six hundred seventy-four of the county law, determined the individual had indications of mental distress or illness and/or any evidence of mental health disorders, including but not limited to schizophrenia, depression, PTSD, and bipolar disorder and indicated such as the cause of death on the death certificate**;

§ 8. This act shall take effect on the one hundred eightieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.