

STATE OF NEW YORK

6596--B

2025-2026 Regular Sessions

IN ASSEMBLY

March 6, 2025

Introduced by M. of A. ROSENTHAL, CRUZ, GONZALEZ-ROJAS, SEAWRIGHT, LUNSFORD, DAVILA, SIMONE, REYES, ROMERO, P. CARROLL, MEEKS, KELLES, LEVENBERG, HEVESI, SHIMSKY, BORES, SIMON -- read once and referred to the Committee on Health -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- recommitted to the Committee on Health in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the social services law, in relation to requiring Medicaid to cover gender-affirming care regardless of federal funding; to amend the executive law, in relation to prohibiting discriminatory practices by health care entities; and to amend the insurance law, in relation to prohibiting discriminatory practices by insurers and to coverage for treatment for gender dysphoria or gender incongruence

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

1 Section 1. Subdivision 2 of section 365-a of the social services law
2 is amended by adding a new paragraph (oo) to read as follows:

3 (oo) all medically necessary gender-affirming care regardless of
4 whether any federal funds are available for such coverage.

5 § 2. Subdivision 9 of section 292 of the executive law, as amended by
6 chapter 89 of the laws of 2015, is amended and a new subdivision 43 is
7 added to read as follows:

8 9. The term "place of public accommodation, resort or amusement" shall
9 include, regardless of whether the owner or operator of such place is a
10 state or local government entity or a private individual or entity,
11 except as hereinafter specified, all places included in the meaning of
12 such terms as: inns, taverns, road houses, hotels, motels, whether
13 conducted for the entertainment of transient guests or for the accommo-
14 dation of those seeking health, recreation or rest, or restaurants, or
15 eating houses, or any place where food is sold for consumption on the

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

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1 premises; buffets, saloons, barrooms, or any store, park or enclosure
2 where spirituous or malt liquors are sold; ice cream parlors, confec-
3 tionaries, soda fountains, and all stores where ice cream, ice and fruit
4 preparations or their derivatives, or where beverages of any kind are
5 retailed for consumption on the premises; wholesale and retail stores
6 and establishments dealing with goods or services of any kind, dispen-
7 saries, clinics, hospitals, health care entities, bath-houses, swimming
8 pools, laundries and all other cleaning establishments, barber shops,
9 beauty parlors, theatres, motion picture houses, airdromes, roof
10 gardens, music halls, race courses, skating rinks, amusement and recre-
11 ation parks, trailer camps, resort camps, fairs, bowling alleys, golf
12 courses, gymnasiums, shooting galleries, billiard and pool parlors;
13 garages, all public conveyances operated on land or water or in the air,
14 as well as the stations and terminals thereof; travel or tour advisory
15 services, agencies or bureaus; public halls, public rooms, public eleva-
16 tors, and any public areas of any building or structure. Such term shall
17 not include kindergartens, primary and secondary schools, high schools,
18 academies, colleges and universities, extension courses, and all educa-
19 tional institutions under the supervision of the regents of the state of
20 New York; any such kindergarten, primary and secondary school, academy,
21 college, university, professional school, extension course or other
22 education facility, supported in whole or in part by public funds or by
23 contributions solicited from the general public; or any institution,
24 club or place of accommodation which proves that it is in its nature
25 distinctly private. In no event shall an institution, club or place of
26 accommodation be considered in its nature distinctly private if it has
27 more than one hundred members, provides regular meal service and regu-
28 larly receives payment for dues, fees, use of space, facilities,
29 services, meals or beverages directly or indirectly from or on behalf of
30 a nonmember for the furtherance of trade or business. An institution,
31 club, or place of accommodation which is not deemed distinctly private
32 pursuant to this subdivision may nevertheless apply such selective
33 criteria as it chooses in the use of its facilities, in evaluating
34 applicants for membership and in the conduct of its activities, so long
35 as such selective criteria do not constitute discriminatory practices
36 under this article or any other provision of law. For the purposes of
37 this section, a corporation incorporated under the benevolent orders law
38 or described in the benevolent orders law but formed under any other law
39 of this state or a religious corporation incorporated under the educa-
40 tion law or the religious corporations law shall be deemed to be in its
41 nature distinctly private.

42 No institution, club, organization or place of accommodation which
43 sponsors or conducts any amateur athletic contest or sparring exhibition
44 and advertises or bills such contest or exhibition as a New York state
45 championship contest or uses the words "New York state" in its announce-
46 ments shall be deemed a private exhibition within the meaning of this
47 section.

48 43. The term "health care entity" means:

49 (a) a hospital or provider as defined by section twenty-eight hundred
50 one of the public health law; or

51 (b) a professional licensed under article one hundred thirty-one, one
52 hundred thirty-one-B, one hundred thirty-one-C, one hundred thirty-two,
53 one hundred thirty-three, one hundred thirty-four, one hundred thirty-
54 six, one hundred thirty-seven, one hundred thirty-seven-A, one hundred
55 thirty-nine, one hundred forty, one hundred forty-one, one hundred
56 forty-three, one hundred forty-four, one hundred fifty-three, one

1 hundred fifty-seven, one hundred sixty-three, one hundred sixty-four, or
 2 one hundred sixty-seven of the education law; or

3 (c) an issuer or provider of coverage for health insurance, as defined
 4 by section seven thousand seven hundred five of the insurance law.

5 § 3. The section heading and the opening paragraph and paragraphs 4, 7
 6 and 8 of subsection (a) of section 3243 of the insurance law, as added
 7 by section 2 of subpart D of part J of chapter 57 of the laws of 2019,
 8 are amended and four new paragraphs 9, 10, 11 and 12 are added to
 9 subsection (a) to read as follows:

10 Discrimination because of race, national origin, age, disability, sex
 11 or marital status in hospital, surgical or medical expense insurance.

12 With regard to an accident and health insurance policy that provides
 13 hospital, surgical, or medical expense coverage or a policy of student
 14 accident and health insurance, as defined in subsection (a) of section
 15 three thousand two hundred forty of this article, delivered or issued
 16 for delivery in this state, no insurer shall because of race, color,
 17 creed, national origin, sex, marital status, disability, preexisting
 18 condition, or based on pregnancy, false pregnancy, termination of preg-
 19 nancy, or recovery therefrom, childbirth or related medical conditions:

20 (4) insert in the policy any condition, or make any stipulation,
 21 whereby the insured binds [~~his or herself~~] themselves, or [~~his or her~~]
 22 such insured's heirs, executors, administrators or assigns, to accept
 23 any sum or service less than the full value or amount of such policy in
 24 case of a claim thereon except such conditions and stipulations as are
 25 imposed upon others in similar cases; and any such stipulation or condi-
 26 tion so made or inserted shall be void;

27 (7) fix any lower rate or discriminate in the fees or commissions of
 28 insurance agents or insurance brokers for writing or renewing such a
 29 policy; [~~or~~]

30 (8) engage in sexual stereotyping[~~r~~];

31 (9) include a policy clause that purports to deny, limit, or exclude
 32 coverage based on an insured's sexual orientation, gender identity or
 33 expression, or transgender status;

34 (10) deny, limit, or otherwise exclude medically necessary services or
 35 treatment otherwise covered by a policy on the basis that the treatment
 36 is for gender dysphoria or gender incongruence; provided further that an
 37 insurer shall provide an insured with the utilization review appeal
 38 rights required by insurance law and public health law articles forty-
 39 nine for gender dysphoria or gender incongruence treatment that is
 40 denied based on medical necessity;

41 (11) designate an insured's sexual orientation, gender identity or
 42 expression, or transgender status as a pre-existing condition for the
 43 purpose of denying, limiting, or excluding coverage; or

44 (12) deny a claim from an insured of one gender or sex for a service
 45 that is typically or exclusively provided to an individual of another
 46 gender or sex unless the insurer has taken reasonable steps, including
 47 requesting additional information, to determine whether the insured is
 48 eligible for the services prior to denial of such claim.

49 § 4. Section 4303 of the insurance law is amended by adding a new
 50 subsection (yy) to read as follows:

51 (yy)(1) Every policy which provides hospital, surgical, or medical
 52 coverage shall provide medically necessary services or treatment other-
 53 wise covered by a policy on the basis that the treatment is for gender
 54 dysphoria or gender incongruence.

55 (2) Coverage for gender dysphoria or gender incongruence shall not be
 56 subject to annual deductibles or coinsurance, including co-payments,

1 unless the policy is a high deductible health plan as defined in section
2 223(c)(2) of the internal revenue code of 1986, in which case coverage
3 for gender dysphoria or gender incongruence may be subject to the plan's
4 annual deductible.

5 § 5. Subsection (k) of section 3221 of the insurance law is amended by
6 adding a new paragraph 24 to read as follows:

7 (24) (A) Every policy which provides hospital, surgical, or medical
8 coverage shall also provide coverage for medically necessary services or
9 treatments for gender dysphoria or gender incongruence that are other-
10 wise covered by the policy.

11 (B) Coverage for the treatment of gender dysphoria or gender incongru-
12 ence shall not be subject to annual deductibles or coinsurance, includ-
13 ing co-payments, unless the policy is a high deductible health plan as
14 defined in section 223(c)(2) of the internal revenue code of 1986, in
15 which case coverage for gender dysphoria or gender incongruence may be
16 subject to the plan's annual deductible.

17 § 6. Subsection (i) of section 3216 of the insurance law is amended by
18 adding a new paragraph 42 to read as follows:

19 (42)(A) Every policy which provides hospital, surgical, or medical
20 coverage shall also provide coverage for medically necessary services or
21 treatments for gender dysphoria or gender incongruence that are other-
22 wise covered by the policy.

23 (B) Coverage for gender dysphoria or gender incongruence shall not be
24 subject to annual deductibles or coinsurance, including co-payments,
25 unless the policy is a high deductible health plan as defined in section
26 223(c)(2) of the internal revenue code of 1986, in which case coverage
27 for gender dysphoria or gender incongruence may be subject to the plan's
28 annual deductible.

29 § 7. Severability. If any clause, sentence, paragraph, section or part
30 of this act shall be adjudged by any court of competent jurisdiction to
31 be invalid and after exhaustion of all further judicial review, the
32 judgment shall not affect, impair or invalidate the remainder thereof,
33 but shall be confined in its operation to the clause, sentence, para-
34 graph, section or part of this act directly involved in the controversy
35 in which the judgment shall have been rendered.

36 § 8. This act shall take effect immediately.