

STATE OF NEW YORK

310

2025-2026 Regular Sessions

IN SENATE

(Prefiled)

January 8, 2025

Introduced by Sen. RHOADS -- 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 coverage of certain procedures to detect breast cancer

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

1 Section 1. Subparagraph (A) of paragraph 11 of subsection (1) of
2 section 3221 of the insurance law, as amended by chapter 424 of the laws
3 of 2024, is amended to read as follows:
4 (A) Every insurer delivering a group or blanket policy or issuing a
5 group or blanket policy for delivery in this state that provides cover-
6 age for hospital, surgical or medical care shall provide the following
7 coverage for mammography screening for occult breast cancer:
8 (i) upon the recommendation of a physician, a mammogram, which may be
9 provided by breast tomosynthesis, at any age for covered persons having
10 a prior history of breast cancer or who have a first degree relative
11 with a prior history of breast cancer;
12 (ii) a single baseline mammogram, which may be provided by breast
13 tomosynthesis[~~, for covered persons aged thirty-five through thirty-~~
14 ~~nine, inclusive~~];
15 (iii) [~~an annual mammogram, which may be provided by breast tomosyn-~~
16 ~~thesis, for covered persons aged forty and older,~~
17 ~~(iv)~~] for large group policies that provide coverage for hospital,
18 surgical or medical care, [~~an annual mammogram~~] mammograms for covered
19 persons [~~aged thirty-five through thirty-nine, inclusive~~] having a prior
20 history of breast cancer or who have a first degree relative with a
21 prior history of breast cancer, or any sonogram or other diagnostic
22 procedure used to detect breast cancer, upon the recommendation of a
23 physician, subject to the insurer's determination that the mammogram is
24 medically necessary; and

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

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1 [~~(v)~~] (iv) upon the recommendation of a physician, screening and diag-
2 nostic imaging, including diagnostic mammograms, breast ultrasounds, or
3 magnetic resonance imaging, recommended by nationally recognized clin-
4 ical practice guidelines for the detection of breast cancer. For the
5 purposes of this item, "nationally recognized clinical practice guide-
6 lines" means evidence-based clinical practice guidelines informed by a
7 systematic review of evidence and an assessment of the benefits, and
8 risks of alternative care options intended to optimize patient care
9 developed by independent organizations or medical professional societies
10 utilizing a transparent methodology and reporting structure and with a
11 conflict of interest policy.

12 § 2. Subparagraph (D) of paragraph 1 of subsection (p) of section 4303
13 of the insurance law, as amended by chapter 424 of the laws of 2024, is
14 amended to read as follows:

15 (D) for large group contracts offered by a medical expense indemnity
16 corporation, a hospital service corporation or a health service corpo-
17 ration that provide coverage for hospital, surgical or medical care, [~~an~~
18 ~~annual mammogram~~] mammograms for covered persons [~~aged thirty-five~~
19 ~~through thirty-nine, inclusive~~] having a prior history of breast cancer
20 or who have a first degree relative with a prior history of breast
21 cancer, or any sonogram or other diagnostic procedure used to detect
22 breast cancer, upon the recommendation of a physician, subject to the
23 corporation's determination that the mammogram is medically necessary;

24 § 3. This act shall take effect on the same date and in the same
25 manner as chapter 424 of the laws of 2024, takes effect.