

# STATE OF NEW YORK

9275--A

## IN SENATE

February 23, 2026

Introduced by Sens. RIVERA, GONZALEZ, HARCKHAM, JACKSON, WEBB, ZELLNER -- read twice and ordered printed, and when printed to be committed to the Committee on Health -- reported favorably from said committee and committed to the Committee on Finance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the social services law and the public health 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 7 of section 2510 of the public health law, as  
6 amended by section 1 of part DDD of chapter 56 of the laws of 2022, is  
7 amended to read as follows:

8 7. "Covered health care services" means: the services of physicians,  
9 optometrists, nurses, nurse practitioners, midwives and other related  
10 professional personnel which are provided on an outpatient basis,  
11 including routine well-child visits; diagnosis and treatment of illness  
12 and injury; inpatient health care services; laboratory tests; diagnostic  
13 x-rays; prescription and non-prescription drugs, ostomy and other  
14 medical supplies and durable medical equipment; radiation therapy;  
15 chemotherapy; hemodialysis; outpatient blood clotting factor products  
16 and other treatments and services furnished in connection with the care  
17 of hemophilia and other blood clotting protein deficiencies; emergency  
18 room services; ambulance services; hospice services; emergency, preven-  
19 tive and routine dental care, including orthodontia but excluding

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

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1 cosmetic surgery; emergency, preventive and routine vision care, includ-  
2 ing eyeglasses; speech and hearing services; inpatient and outpatient  
3 mental health, alcohol and substance abuse services, including children  
4 and family treatment and support services, children's home and community  
5 based services, assertive community treatment services and residential  
6 rehabilitation for youth services which shall be reimbursed in accord-  
7 ance with the ambulatory patient group (APG) rate-setting methodology as  
8 utilized by the department of health, the office of addiction services  
9 and supports, or the office of mental health for rate-setting purposes  
10 or any such other fees established pursuant to article forty-three of  
11 the mental hygiene law; all gender-affirming care regardless of whether  
12 any federal funds are available for such coverage; and health-related  
13 services provided by voluntary foster care agency health facilities  
14 licensed pursuant to article twenty-nine-I of this chapter; as defined  
15 by the commissioner. "Covered health care services" shall not include  
16 drugs, procedures and supplies for the treatment of erectile dysfunction  
17 when provided to, or prescribed for use by, a person who is required to  
18 register as a sex offender pursuant to article six-C of the correction  
19 law, provided that any denial of coverage of such drugs, procedures or  
20 supplies shall provide the patient with the means of obtaining addi-  
21 tional information concerning both the denial and the means of challeng-  
22 ing such denial.

23 § 3. Subdivision 9 of section 292 of the executive law, as amended by  
24 chapter 89 of the laws of 2015, is amended and a new subdivision 43 is  
25 added to read as follows:

26 9. The term "place of public accommodation, resort or amusement" shall  
27 include, regardless of whether the owner or operator of such place is a  
28 state or local government entity or a private individual or entity,  
29 except as hereinafter specified, all places included in the meaning of  
30 such terms as: inns, taverns, road houses, hotels, motels, whether  
31 conducted for the entertainment of transient guests or for the accommo-  
32 dation of those seeking health, recreation or rest, or restaurants, or  
33 eating houses, or any place where food is sold for consumption on the  
34 premises; buffets, saloons, barrooms, or any store, park or enclosure  
35 where spirituous or malt liquors are sold; ice cream parlors, confec-  
36 tionaries, soda fountains, and all stores where ice cream, ice and fruit  
37 preparations or their derivatives, or where beverages of any kind are  
38 retailed for consumption on the premises; wholesale and retail stores  
39 and establishments dealing with goods or services of any kind, dispen-  
40 saries, clinics, hospitals, health care entities, bath-houses, swimming  
41 pools, laundries and all other cleaning establishments, barber shops,  
42 beauty parlors, theatres, motion picture houses, airdromes, roof  
43 gardens, music halls, race courses, skating rinks, amusement and recre-  
44 ation parks, trailer camps, resort camps, fairs, bowling alleys, golf  
45 courses, gymnasiums, shooting galleries, billiard and pool parlors;  
46 garages, all public conveyances operated on land or water or in the air,  
47 as well as the stations and terminals thereof; travel or tour advisory  
48 services, agencies or bureaus; public halls, public rooms, public eleva-  
49 tors, and any public areas of any building or structure. Such term shall  
50 not include kindergartens, primary and secondary schools, high schools,  
51 academies, colleges and universities, extension courses, and all educa-  
52 tional institutions under the supervision of the regents of the state of  
53 New York; any such kindergarten, primary and secondary school, academy,  
54 college, university, professional school, extension course or other  
55 education facility, supported in whole or in part by public funds or by  
56 contributions solicited from the general public; or any institution,

1 club or place of accommodation which proves that it is in its nature  
2 distinctly private. In no event shall an institution, club or place of  
3 accommodation be considered in its nature distinctly private if it has  
4 more than one hundred members, provides regular meal service and regu-  
5 larly receives payment for dues, fees, use of space, facilities,  
6 services, meals or beverages directly or indirectly from or on behalf of  
7 a nonmember for the furtherance of trade or business. An institution,  
8 club, or place of accommodation which is not deemed distinctly private  
9 pursuant to this subdivision may nevertheless apply such selective  
10 criteria as it chooses in the use of its facilities, in evaluating  
11 applicants for membership and in the conduct of its activities, so long  
12 as such selective criteria do not constitute discriminatory practices  
13 under this article or any other provision of law. For the purposes of  
14 this section, a corporation incorporated under the benevolent orders law  
15 or described in the benevolent orders law but formed under any other law  
16 of this state or a religious corporation incorporated under the educa-  
17 tion law or the religious corporations law shall be deemed to be in its  
18 nature distinctly private.

19 No institution, club, organization or place of accommodation which  
20 sponsors or conducts any amateur athletic contest or sparring exhibition  
21 and advertises or bills such contest or exhibition as a New York state  
22 championship contest or uses the words "New York state" in its announce-  
23 ments shall be deemed a private exhibition within the meaning of this  
24 section.

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

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

28 (b) a professional licensed under article one hundred thirty-one, one  
29 hundred thirty-one-B, one hundred thirty-one-C, one hundred thirty-two,  
30 one hundred thirty-three, one hundred thirty-four, one hundred thirty-  
31 six, one hundred thirty-seven, one hundred thirty-seven-A, one hundred  
32 thirty-nine, one hundred forty, one hundred forty-one, one hundred  
33 forty-three, one hundred forty-four, one hundred fifty-three, one  
34 hundred fifty-seven, one hundred sixty-three, one hundred sixty-four, or  
35 one hundred sixty-seven of the education law; or

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

38 § 4. Paragraph (a) of subdivision 2 of section 296 of the executive  
39 law, as separately amended by chapters 202 and 748 of the laws of 2022,  
40 is amended to read as follows:

41 (a) It shall be an unlawful discriminatory practice for any person,  
42 being the owner, lessee, proprietor, manager, superintendent, agent or  
43 employee of any place of public accommodation, resort or amusement,  
44 because of the race, creed, color, national origin, citizenship or immi-  
45 gration status, sexual orientation, gender identity or expression, mili-  
46 tary status, sex, disability, predisposing genetic characteristics,  
47 familial status, marital status, or status as a victim of domestic  
48 violence, of any person, directly or indirectly, to refuse, withhold  
49 from or deny to such person any of the accommodations, advantages,  
50 facilities or privileges thereof, including the extension of credit, or,  
51 directly or indirectly, to publish, circulate, issue, display, post or  
52 mail any written or printed communication, notice or advertisement, to  
53 the effect that any of the accommodations, advantages, facilities and  
54 privileges of any such place shall be refused, withheld from or denied  
55 to any person on account of race, creed, color, national origin, citi-  
56 zenship or immigration status, sexual orientation, gender identity or

1 expression, military status, sex, disability [~~ex~~], predisposing genetic  
2 characteristics, familial status, marital status, or that the patronage  
3 or custom thereof of any person of or purporting to be of any particular  
4 race, creed, color, national origin, citizenship or immigration status,  
5 sexual orientation, gender identity or expression, military status, sex  
6 or marital status, or having a disability is unwelcome, objectionable or  
7 not acceptable, desired or solicited.

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

12 Discrimination [~~because of sex or marital status~~] in hospital, surgi-  
13 cal or medical expense insurance.

14 With regard to an accident and health insurance policy that provides  
15 hospital, surgical, or medical expense coverage or a policy of student  
16 accident and health insurance, as defined in subsection (a) of section  
17 three thousand two hundred forty of this article, delivered or issued  
18 for delivery in this state, no insurer shall because of [~~sex, marital~~  
19 ~~status~~] age, race, creed, color, national origin, citizenship or immi-  
20 gration status, sexual orientation, gender identity or expression,  
21 military status, sex, disability, predisposing genetic characteristics,  
22 familial status, marital status, or status as a victim of domestic  
23 violence, pre-existing condition, or based on pregnancy, false pregnan-  
24 cy, termination of pregnancy, or recovery therefrom, childbirth or  
25 related medical conditions:

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

33 (c) Discrimination prohibited by this section includes any of the  
34 following:

35 (1) including a policy clause that purports to deny, limit, or exclude  
36 coverage based on an insured's sexual orientation, gender identity or  
37 expression, or transgender status;

38 (2) denying, limiting, or otherwise excluding medically necessary  
39 services or treatment otherwise covered by a policy on the basis that  
40 the treatment is for gender dysphoria or gender incongruence; provided  
41 further that an insurer shall provide an insured with the utilization  
42 review appeal rights required by insurance law and public health law  
43 articles forty-nine for gender dysphoria or gender incongruence treat-  
44 ment that is denied based on medical necessity;

45 (3) designating an insured's sexual orientation, gender identity or  
46 expression, or transgender status as a pre-existing condition for the  
47 purpose of denying, limiting, or excluding coverage; or

48 (4) denying a claim from an insured of one gender or sex for a service  
49 that is typically or exclusively provided to an individual of another  
50 gender or sex unless the insurer has taken reasonable steps, including  
51 requesting additional information, to determine whether the insured is  
52 eligible for the services prior to denial of such claim.

53 § 6. Section 4303 of the insurance law is amended by adding a new  
54 subsection (yy) to read as follows:

55 (yy) (1) Every policy which provides hospital, surgical, or medical  
56 coverage shall provide medically necessary services or treatment other-

1 wise covered by a policy on the basis that the treatment is for gender  
2 dysphoria or gender incongruence.

3 (2) Coverage for gender dysphoria or gender incongruence shall not be  
4 subject to annual deductibles or coinsurance, including co-payments,  
5 unless the policy is a high deductible health plan as defined in section  
6 223(c)(2) of the internal revenue code of 1986, in which case coverage  
7 for gender dysphoria or gender incongruence may be subject to the plan's  
8 annual deductible.

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

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

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

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

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

27 (B) Coverage for gender dysphoria or gender incongruence shall not be  
28 subject to annual deductibles or coinsurance, including co-payments,  
29 unless the policy is a high deductible health plan as defined in section  
30 223(c)(2) of the internal revenue code of 1986, in which case coverage  
31 for gender dysphoria or gender incongruence may be subject to the plan's  
32 annual deductible.

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

40 § 10. This act shall take effect immediately.