

STATE OF NEW YORK

9815

IN SENATE

April 6, 2026

Introduced by Sen. KRUEGER -- 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 requiring insurers to deposit certain funds into the reproductive health care access fund; to amend the state finance law, in relation to establishing the reproductive health care access fund; and to amend the public health law, in relation to the use of funds under the reproductive freedom and equity grant program

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

1 Section 1. The insurance law is amended by adding a new section 3246
2 to read as follows:

3 § 3246. Segregated reproductive health care funds. (a) As used in this
4 section, "covered entity" means:

5 (1) insurers and nonprofit health service plans that provide hospital,
6 medical, or surgical benefits to individuals or groups on an expense-in-
7 curring basis under health insurance policies or contracts that are
8 issued or delivered in the state; and

9 (2) health maintenance organizations that provide hospital, medical,
10 or surgical benefits to individuals or groups under contracts that are
11 issued or delivered in the state.

12 (b) Any premium funds collected by a covered entity for coverage
13 described in section 1303(b)(1)(B)(i) of the federal Patient Protection
14 and Affordable Care Act in accordance with section 1303(b)(2)(b) and (c)
15 of the federal Patient Protection and Affordable Care Act shall be used:

16 (1) to provide coverage for reproductive health care clinical services
17 for insureds or enrollees in accordance with section three thousand two
18 hundred sixteen or three thousand two hundred twenty-one of this article
19 or with section four thousand three hundred three of this chapter; and

20 (2) in accordance with subsection (c) of this section.

21 (c) If after the twelve-month period following the end of a plan year
22 the amount of the ending balance of a segregated account established for
23 coverage of reproductive health care clinical services exceeds disburse-
24 ments, ninety percent of the ending balance shall be used to support

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

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1 coverage of reproductive health care clinical services for which the use
2 of federal funds is prohibited.

3 (d)(1) On or before March first of each year, each covered entity
4 subject to this section shall submit to the superintendent an accounting
5 of receipts, disbursements, accrued interest, and the year-end balance
6 for segregated accounts established by the covered entity under section
7 1303(b)(2)(b) and (c) of the federal Patient Protection and Affordable
8 Care Act:

9 (A) on a form approved by the superintendent; and

10 (B) with any related documentation required by the superintendent.

11 (2) By June first of each year, the department shall confirm that each
12 covered entity has appropriately submitted pursuant to paragraph one of
13 this subsection.

14 (e) (1) Subject to subsection (c) of this section, the superintendent
15 shall order the transfer of funds from each covered entity's segregated
16 account established by the covered entity for coverage of reproductive
17 health care clinical services to the reproductive health care access
18 fund established by section ninety-nine-uu of the state finance law in
19 the following amounts:

20 (A) on or before July first, two thousand twenty-seven, ninety percent
21 of the amount of the ending balance of the segregated account that
22 exceeds disbursements for each of plan years two thousand fourteen
23 through two thousand twenty-four; and

24 (B) on or before July first of each year, beginning in two thousand
25 twenty-eight, ninety percent of the amount of the ending balance of a
26 segregated account for that plan year, beginning with plan year two
27 thousand twenty-five.

28 (2) (A) the amount ordered to be transferred under subparagraph (A) of
29 paragraph one of this subsection shall include the amount of interest
30 accrued to the segregated account as of December thirty-first, two thou-
31 sand twenty-six.

32 (B) the amount ordered to be transferred under subparagraph (B) of
33 paragraph one of this subsection shall include the amount of interest
34 accrued to the segregated account as of December thirty-first of the
35 immediately preceding calendar year.

36 (f) A transfer ordered by the superintendent pursuant to subsection
37 (e) of this section shall be made within thirty days of the date of the
38 order.

39 (g) A party aggrieved by an order of the superintendent under this
40 section has the right to a hearing and the right to appeal from the
41 order of the superintendent.

42 (h)(1) The superintendent shall collect data from state-regulated
43 plans on receipts, disbursements, and ending balances for segregated
44 accounts established under § 1303(b)(2)(B) and (C) of the federal
45 Patient Protection and Affordable Care Act and 45 C.F.R. § 156.280.

46 (2) The superintendent shall issue a report to the governor, the
47 temporary president of the senate, the speaker of the assembly, and to
48 the chairpersons of the assembly committee on ways and means and the
49 senate committee on finance as follows:

50 (A) on or before April first, two thousand twenty-seven, aggregate
51 data collected for the period from January first, two thousand fourteen,
52 to December thirty-first, two thousand twenty-four, both inclusive;

53 (B) on or before April first, two thousand twenty-eight, aggregate
54 data collected for the period from January first, two thousand twenty-
55 five, to December thirty-first, two thousand twenty-five, both inclu-
56 sive;

1 (C) on or before April first, two thousand twenty-nine, aggregate data
2 collected for the period from January first, two thousand twenty-six, to
3 December thirty-first, two thousand twenty-six, both inclusive; and

4 (D) on or before January first, two thousand thirty, aggregate data
5 collected for the period from January first, two thousand twenty-seven,
6 to December thirty-first, two thousand twenty-seven, both inclusive.

7 § 2. The state finance law is amended by adding a new section 99-uu to
8 read as follows:

9 § 99-uu. Reproductive health care access fund. 1. There is hereby
10 established in the joint custody of the state comptroller and the
11 commissioner of taxation and finance a special fund to be known as the
12 "reproductive health care access fund" (the "fund").

13 2. The fund shall consist of monies received from the deposit of
14 segregated funds pursuant to section three thousand two hundred forty-
15 six of the insurance law, and all other monies appropriated, credited,
16 or transferred thereto from any other fund or source pursuant to law,
17 together with interest earnings of the fund. The state treasurer shall
18 invest the money of the fund in the same manner as other state money may
19 be invested.

20 3. The moneys in the fund shall be kept separate and shall not be
21 commingled with any other moneys in the joint custody of the commission-
22 er of taxation and finance and the state comptroller.

23 4. Monies in the fund from the deposit of segregated reproductive
24 health care access funds pursuant to section three thousand two hundred
25 forty-six of the insurance law shall be used to support reproductive
26 health care clinical services funded through the grant program estab-
27 lished pursuant to section twenty-five hundred ninety-nine-bb-1 of the
28 public health law. Moneys provided pursuant to this section shall be
29 used to supplement and not supplant current funding.

30 5. On or before the first day of February of each year, the comp-
31 troller shall certify to the governor, temporary president of the
32 senate, speaker of the assembly, chair of the senate finance committee
33 and chair of the assembly ways and means committee:

34 (a) the amount of money deposited in the reproductive health care
35 access fund during the preceding calendar year as the result of revenue
36 derived pursuant to section three thousand two hundred forty-six of the
37 insurance law;

38 (b) the amount of money disbursed to the grant program established
39 pursuant to section twenty-five hundred ninety-nine-bb-1 of the public
40 health law during the preceding calendar year; and

41 (c) the amount of money remaining in the fund on December thirty-first
42 of the preceding calendar year.

43 6. All payments from such fund shall be made by the department of
44 taxation and finance after the audit and warrant of the comptroller on
45 vouchers approved by the commissioner of health.

46 § 3. Subdivision 3 of section 2599-bb-1 of the public health law is
47 amended by adding a new paragraph (c) to read as follows:

48 (c) Prioritize funding for eligible reproductive health care providers
49 and eligible applicants that have not received financial assistance
50 under this program in prior years.

51 § 4. Beginning in fiscal year 2029, the governor shall submit to the
52 legislature an executive budget that includes an appropriation of at
53 least fifty percent of the total funds available in the reproductive
54 health care access fund, as created by section 99-uu of the state
55 finance law.

1 § 5. Severability clause. If any clause, sentence, paragraph, subdivi-
2 sion, section or part of this act shall be adjudged by any court of
3 competent jurisdiction to be invalid, such judgment shall not affect,
4 impair, or invalidate the remainder thereof, but shall be confined in
5 its operation to the clause, sentence, paragraph, subdivision, section
6 or part thereof directly involved in the controversy in which such judg-
7 ment shall have been rendered. It is hereby declared to be the intent of
8 the legislature that this act would have been enacted even if such
9 invalid provisions had not been included herein.

10 § 6. This act shall take effect January 1, 2027.