# STATE OF NEW YORK

10943

# IN ASSEMBLY

April 14, 2026

Introduced by M. of A. REYES -- read once and referred 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:**

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

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

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

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

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

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

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

**(c) If after the twelve-month period following the end of a plan year the amount of the ending balance of a segregated account established for coverage of reproductive health care clinical services exceeds disbursements, 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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coverage of reproductive health care clinical services for which the use of federal funds is prohibited.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

3. The moneys in the fund shall be kept separate and shall not be commingled with any other moneys in the joint custody of the commissioner of taxation and finance and the state comptroller.

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

5. On or before the first day of February of each year, the comptroller shall certify to the governor, temporary president of the senate, speaker of the assembly, chair of the senate finance committee and chair of the assembly ways and means committee:

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

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

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

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

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

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

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

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

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