

STATE OF NEW YORK

5624--A

2025-2026 Regular Sessions

IN ASSEMBLY

February 18, 2025

Introduced by M. of A. LUCAS -- read once and referred to the Committee on Local Governments -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the county law, the public health law and the insurance law, in relation to enacting the mental health assessment and record keeping for the coroner's office act

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

1 Section 1. This act shall be known and may be cited as the "mental
2 health assessment and record keeping for the coroner's office act".

3 § 2. Subdivision 3 of section 674 of the county law is amended by
4 adding a new paragraph (c) to read as follows:

5 (c) (i) The coroner or coroner and coroner's physician, or the medical
6 examiner, also shall make or cause to be made, a mental health assess-
7 ment which shall include, but not be limited to, a thorough evaluation
8 of the individual's medical and psychiatric history after a review of
9 any available documentation, including but not limited to medication
10 records or therapy reports. The coroner or coroner and coroner's physi-
11 cian, or the medical examiner, shall acquire any necessary medical,
12 psychiatric, or therapy records required to perform the mental health
13 assessment.

14 (ii) Upon completion of the mental health assessment, the coroner or
15 coroner and coroner's physician, or the medical examiner, shall reduce
16 to writing on a form prescribed by the commissioner of health any find-
17 ings including, but not limited to, any indications of mental distress
18 or illness and any evidence of mental health disorders, including but
19 not limited to schizophrenia, depression, PTSD, and bipolar disorder.

20 (iii) Any documents acquired for or produced by the mental health
21 assessment, including but not limited to any medical records, therapy
22 notes, and the coroner's findings other than such findings included on
23 the death certificate, shall be kept confidential and protected in

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

LBD08248-02-5

1 accordance with any applicable privacy laws and shall not be made avail-
2 able for disclosure or inspection under the state freedom of information
3 law. Such documents shall only be used for research and prevention
4 efforts.

5 § 3. Subdivision 4 of section 4141 of the public health law is amended
6 by adding a new paragraph (e) to read as follows:

7 (e) No death certificate shall cite suicide as a diagnosis, label,
8 cause of death, or contributing factor to any death where the coroner,
9 coroner and coroner's physician, or the medical examiner's mental health
10 assessment, conducted under subdivision three of section six hundred
11 seventy-four of the county law, determined the individual had indi-
12 cations of mental distress or illness and/or any evidence of mental
13 health disorders, including but not limited to schizophrenia,
14 depression, PTSD, and bipolar disorder and shall instead indicate such
15 distress, illness, and/or disorder on the death certificate as the cause
16 of death.

17 § 4. Subparagraph (B) of paragraph 1 of subsection (b) of section 3203
18 of the insurance law is amended to read as follows:

19 (B) suicide within two years from the date of issue of the policy
20 except for where the coroner, coroner and coroner's physician, or the
21 medical examiner's mental health assessment, conducted under subdivision
22 three of section six hundred seventy-four of the county law, determined
23 the individual had indications of mental distress or illness and/or any
24 evidence of mental health disorders, including but not limited to schi-
25 zophrenia, depression, PTSD, and bipolar disorder and indicated such as
26 the cause of death on the death certificate;

27 § 5. Subparagraph (C) of paragraph 5 of subsection (e) of section 3209
28 of the insurance law, as amended by chapter 616 of the laws of 1997, is
29 amended to read as follows:

30 (C) guaranteed amount payable upon death at the beginning of the poli-
31 cy year regardless of the cause of death, other than: (i) suicide,
32 except for where the coroner, coroner and coroner's physician, or the
33 medical examiner's mental health assessment, conducted under subdivision
34 three of section six hundred seventy-four of the county law, determined
35 the individual had indications of mental distress or illness and/or any
36 evidence of mental health disorders, including but not limited to schi-
37 zophrenia, depression, PTSD, and bipolar disorder and indicated such as
38 the cause of death on the death certificate; or (ii) other specifically
39 enumerated exclusions, which is provided by the basic policy and each
40 optional rider, with benefits provided under the basic policy and each
41 rider shown separately;

42 § 6. Paragraph 6 of subsection (a) of section 3220 of the insurance
43 law, as amended by chapter 287 of the laws of 1997, is amended to read
44 as follows:

45 (6) That if the insurance on an employee or member covered under the
46 policy, other than one issued in accordance with paragraph three or
47 eight of subsection (b) of section four thousand two hundred sixteen of
48 this chapter, (A) ceases because of termination of (i) employment or of
49 membership in the class or classes eligible for coverage under the poli-
50 cy, or (ii) the policy, or (B) is reduced (i) in the case of a policy
51 covering an employee or union member under a plan arranged by the
52 insured person's employer or union, on or after the employee's or union
53 member's attainment of age sixty in any increment or series of incre-
54 ments aggregating twenty percent or more of the amount of coverage in
55 force before the first reduction on account of such age, (ii) in the
56 case of a policy covering any member other than as described in item (i)

1 of this subparagraph, at the time of the first reduction of insurance,
2 (iii) due to change in class or (iv) due to an amendment of the policy
3 to take effect immediately or at any subsequent date, such employee or
4 such member shall be entitled to have issued to [~~him~~] ~~them~~ by the insurer,
5 er, without evidence of insurability, upon application made to the
6 insurer within thirty-one days after such termination or reduction of
7 insurance and payment of the premium applicable to the class of risk to
8 which [~~he belongs~~] ~~they belong~~ and to the form and amount of the policy
9 at [~~his~~] ~~their~~ then attained age, a policy of life insurance only, in
10 any one of the forms customarily issued by such insurer, except term
11 insurance, in an amount equal to the amount of [~~his~~] ~~their~~ protection
12 under such group insurance policy at the time of such termination or
13 reduction, less any amount of life insurance remaining in force, except
14 however, in the case of a reduction in accordance with item (ii) of
15 subparagraph (B) of this paragraph, in an amount equal to eighty percent
16 of [~~his~~] ~~their~~ insurance coverage under such group policy immediately
17 prior to such reduction. Under a group policy issued pursuant to para-
18 graph twelve, thirteen or fourteen of subsection (b) of section four
19 thousand two hundred sixteen of this chapter, an insured shall be enti-
20 tled to convert, just as if [~~he~~] ~~they~~ had terminated membership in the
21 class or classes eligible for coverage, within thirty-one days after
22 notice from the insurer that, in order to continue [~~his~~] ~~their~~ coverage
23 under the group policy, [~~he~~] ~~they~~ must contribute more than one hundred
24 thirty-three percent of the net premiums computed according to the
25 Commissioners 1960 Standard Group Mortality Table at three percent
26 interest. The group policy may contain a provision that if the policy-
27 holder or insurer shall terminate the policy, the amount of life insur-
28 ance that may be converted shall in no event exceed the amount of such
29 employee's or member's life insurance protection less any amount of life
30 insurance for which [~~he~~] ~~they~~ may be or may become eligible under any
31 group policy issued or reinstated by the same or another insurer within
32 forty-five days after the date of such cessation. However, at the option
33 of such employee or member, [~~he~~] ~~they~~ shall be entitled to have issued
34 to [~~him~~] ~~them~~ in accordance with the conditions prescribed above, a
35 policy of life insurance only, in any one of such forms, preceded by
36 term insurance for a period of one year with the premium payable, at the
37 option of the employee or member, in any mode customarily offered by the
38 insurer. In addition, the group policy shall contain a provision that if
39 the coverage of an employee or member ceases because of termination of
40 employment due to the employee's total and permanent disability or
41 termination of membership due to the member's total and permanent disa-
42 bility, the employee or member, at the option of such employee or
43 member, shall be entitled to have issued to [~~him~~] ~~them~~, a policy of life
44 insurance only, in any one of such forms, preceded by term insurance for
45 a period of one year with the premium payable, at the option of the
46 employee or member, in any mode customarily offered by the insurer, in
47 the amount of such employee's or member's life insurance protection in
48 effect immediately before termination, less the amount of any life
49 insurance which is replaced with the same or another insurer within
50 forty-five days after cessation of the group life insurance protection.
51 Each such group policy shall contain a further provision to the effect
52 that upon the death of any such employee or member during such thirty-
53 one day period and before any such individual policy has become effec-
54 tive, the amount of insurance for which such employee or member was
55 entitled to make application shall be payable as a death benefit by the
56 insurer; provided, however, each such policy may contain a provision

1 obligating the policyholder to pay a premium to the insurer for coverage
2 extended during such thirty-one day period in the event the extension of
3 coverage is a direct result of the policyholder's voluntary termination
4 of the policy and the policyholder replaces coverage under the policy
5 within six months of its termination either with the insurer or with
6 another insurer. The individual conversion policy may provide that any
7 statement made by the person insured under the group policy relating to
8 [~~his~~] their insurability under such group policy may be used in contest-
9 ing the validity of the insurance under the individual conversion policy
10 to the same extent that such statement could have been used in contest-
11 ing the validity of [~~his~~] their insurance under the group policy if
12 [~~his~~] their insurance under the group policy had not ceased. An individ-
13 ual conversion policy shall not exclude or restrict liability in the
14 event of suicide of the insured after two years from the date that the
15 insured became covered under the group policy except for where the
16 coroner, coroner and coroner's physician, or the medical examiner's
17 mental health assessment, conducted under subdivision three of section
18 six hundred seventy-four of the county law, determined the individual
19 had indications of mental distress or illness and/or any evidence of
20 mental health disorders, including but not limited to schizophrenia,
21 depression, PTSD, and bipolar disorder and indicated such as the cause
22 of death on the death certificate. Notwithstanding the foregoing, the
23 superintendent may require conversion or continuation of insurance under
24 conditions as set forth in a regulation for insureds under a policy
25 issued in accordance with paragraph three of subsection (b) of section
26 four thousand two hundred sixteen of this chapter.

27 § 7. Subparagraph (D) of paragraph 1 of subsection (b) of section 4510
28 of the insurance law is amended to read as follows:

29 (D) as a result of suicide within two years from the date of issue of
30 the certificate except for where the coroner, coroner and coroner's
31 physician, or the medical examiner's mental health assessment, conducted
32 under subdivision three of section six hundred seventy-four of the coun-
33 ty law, determined the individual had indications of mental distress or
34 illness and/or any evidence of mental health disorders, including but
35 not limited to schizophrenia, depression, PTSD, and bipolar disorder and
36 indicated such as the cause of death on the death certificate;

37 § 8. This act shall take effect on the one hundred eightieth day after
38 it shall have become a law. Effective immediately, the addition, amend-
39 ment and/or repeal of any rule or regulation necessary for the implemen-
40 tation of this act on its effective date are authorized to be made and
41 completed on or before such effective date.