

STATE OF NEW YORK

10465

IN SENATE

May 15, 2026

Introduced by Sens. BOTTCHER, WEBB -- 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 prohibiting the exclusion of coverage based upon gender indication on claim forms

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

1 Section 1. Subsection (i) of section 3216 of the insurance law is
2 amended by adding a new paragraph 42 to read as follows:

3 (42) Every policy that provides coverage for hospital, surgical or
4 medical care shall not exclude coverage for screening, diagnosis and
5 treatment of medical conditions, or services otherwise covered by the
6 policy solely on the basis of the gender indicated on a claim form, or
7 that the gender indicated on a claim form is different from the
8 insured's sex assigned at birth or gender otherwise recorded, or that
9 the insured is not of the gender to whom a service is provided. Nothing
10 herein shall limit the insurer's ability to take reasonable steps,
11 including requesting additional information, to determine whether the
12 insured is eligible for the services, to review the claim for potential
13 fraud, or to review the claim for clinical appropriateness.

14 § 2. Subsection (l) of section 3221 of the insurance law is amended by
15 adding a new paragraph 24 to read as follows:

16 (24) Every policy that provides coverage for hospital, surgical or
17 medical care shall not exclude coverage for screening, diagnosis and
18 treatment of medical conditions, or services otherwise covered by the
19 policy solely on the basis of the gender indicated on a claim form, or
20 that the gender indicated on a claim form is different from the
21 insured's sex assigned at birth or gender otherwise recorded, or that
22 the insured is not of the gender to whom a service is provided. Nothing
23 herein shall limit the insurer's ability to take reasonable steps,
24 including requesting additional information, to determine whether the
25 insured is eligible for the services, to review the claim for potential
26 fraud, or to review the claim for clinical appropriateness.

27 § 3. Section 4303 of the insurance law is amended by adding a new
28 subsection (yy) to read as follows:

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

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1 (yy) Every contract that provides coverage for hospital, surgical or
2 medical care shall not exclude coverage for screening, diagnosis and
3 treatment of medical conditions, or services otherwise covered by the
4 contract solely on the basis of the gender indicated on a claim form, or
5 that the gender indicated on a claim form is different from the
6 insured's sex assigned at birth or gender otherwise recorded, or that
7 the insured is not of the gender to whom a service is provided. Nothing
8 herein shall limit the insurer's ability to take reasonable steps,
9 including requesting additional information, to determine whether the
10 insured is eligible for the services, to review the claim for potential
11 fraud, or to review the claim for clinical appropriateness.

12 § 4. This act shall take effect on the first of January next succeed-
13 ing the date on which it shall have become a law and shall apply to
14 policies and contracts issued, renewed, modified, altered or amended on
15 or after such effective date.