

STATE OF NEW YORK

2164

2025-2026 Regular Sessions

IN SENATE

January 15, 2025

Introduced by Sens. MAY, HINCHEY, SCARCELLA-SPANTON -- 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 health insurance policies to include coverage of optional anesthesia for certain contraceptive and menstrual health procedures

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

1 Section 1. Clause (v) of subparagraph (E) of paragraph 17 of
2 subsection (i) of section 3216 of the insurance law, as amended by
3 section 3 of part M of chapter 57 of the laws of 2019, is amended to
4 read as follows:
5 (v) all FDA-approved menstrual health procedures and contraceptive
6 drugs, devices, and other products, including all over-the-counter
7 contraceptive drugs, devices, and products as prescribed or as otherwise
8 authorized under state or federal law; voluntary sterilization proce-
9 dures pursuant to 42 U.S.C. 18022 and identified in the comprehensive
10 guidelines supported by the health resources and services administration
11 and thereby incorporated in the essential health benefits benchmark
12 plan; patient education and counseling on contraception; and follow-up
13 services related to the drugs, devices, products, and procedures covered
14 under this clause, including, but not limited to, management of side
15 effects, counseling for continued adherence, and device insertion and
16 removal. Except as otherwise authorized under this clause, a contract
17 shall not impose any restrictions or delays on the coverage required
18 under this clause. However, where the FDA has approved one or more
19 therapeutic and pharmaceutical equivalent, as defined by the FDA,
20 versions of a contraceptive drug, device, or product, a contract is not
21 required to include all such therapeutic and pharmaceutical equivalent
22 versions in its formulary, so long as at least one is included and
23 covered without cost-sharing and in accordance with this clause. If the

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

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1 covered therapeutic and pharmaceutical equivalent versions of a drug,
2 device, or product are not available or are deemed medically inadvisable
3 a contract shall provide coverage for an alternate therapeutic and phar-
4 maceutical equivalent version of the contraceptive drug, device, or
5 product without cost-sharing. (a) This coverage shall include emergency
6 contraception without cost sharing when provided pursuant to a
7 prescription, or order under section sixty-eight hundred thirty-one of
8 the education law or when lawfully provided over-the-counter. (b) If the
9 attending health care provider, in [~~his or her~~] their reasonable profes-
10 sional judgment, determines that the use of a non-covered therapeutic or
11 pharmaceutical equivalent of a drug, device, or product is warranted,
12 the health care provider's determination shall be final. The superinten-
13 dent shall promulgate regulations establishing a process, including
14 timeframes, for an insured, an insured's designee or an insured's health
15 care provider to request coverage of a non-covered contraceptive drug,
16 device, or product. Such regulations shall include a requirement that
17 insurers use an exception form that shall meet criteria established by
18 the superintendent. (c) This coverage must allow for the dispensing of
19 up to twelve months worth of a contraceptive at one time. (d) This
20 coverage shall include optional anesthesia for vaginal, cervical, and
21 uterine medical procedures, including, but not limited to, loop electro-
22 surgical excision procedure, colposcopy, ablation, and intrauterine
23 device insertion. (e) For the purposes of this clause, "over-the-counter
24 contraceptive products" shall mean those products provided for in
25 comprehensive guidelines supported by the health resources and services
26 administration as of January twenty-first, two thousand nineteen.

27 § 2. Subparagraph (A) of paragraph 16 of subsection (l) of section
28 3221 of the insurance law, as amended by section 1 of part M of chapter
29 57 of the laws of 2019, is amended to read as follows:

30 (A) Every group or blanket policy that provides medical, major
31 medical, or similar comprehensive type coverage that is issued, amended,
32 renewed, effective or delivered on or after January first, two thousand
33 twenty, shall provide coverage for all of the following services,
34 menstrual health procedures, and contraceptive methods:

35 (1) All FDA-approved menstrual health procedures and contraceptive
36 drugs, devices, and other products. This includes all FDA-approved
37 over-the-counter contraceptive drugs, devices, and products as
38 prescribed or as otherwise authorized under state or federal law. The
39 following applies to this coverage:

40 (a) where the FDA has approved one or more therapeutic and pharmaceu-
41 tical equivalent, as defined by the FDA, versions of a contraceptive
42 drug, device, or product, a group or blanket policy is not required to
43 include all such therapeutic and pharmaceutical equivalent versions in
44 its formulary, so long as at least one is included and covered without
45 cost-sharing and in accordance with this paragraph;

46 (b) if the covered therapeutic and pharmaceutical equivalent versions
47 of a drug, device, or product are not available or are deemed medically
48 inadvisable a group or blanket policy shall provide coverage for an
49 alternate therapeutic and pharmaceutical equivalent version of the
50 contraceptive drug, device, or product without cost-sharing. If the
51 attending health care provider, in [~~his or her~~] their reasonable profes-
52 sional judgment, determines that the use of a non-covered therapeutic or
53 pharmaceutical equivalent of a drug, device, or product is warranted,
54 the health care provider's determination shall be final. The superinten-
55 dent shall promulgate regulations establishing a process, including
56 timeframes, for an insured, an insured's designee or an insured's health

1 care provider to request coverage of a non-covered contraceptive drug,
2 device, or product. Such regulations shall include a requirement that
3 insurers use an exception form that shall meet criteria established by
4 the superintendent;

5 (c) this coverage shall include emergency contraception without cost-
6 sharing when provided pursuant to a prescription or order under section
7 sixty-eight hundred thirty-one of the education law or when lawfully
8 provided over the counter; ~~and~~

9 (d) this coverage must allow for the dispensing of up to twelve months
10 worth of a contraceptive at one time; ~~and~~

11 (e) this coverage shall include optional anesthesia for vaginal,
12 cervical, and uterine medical procedures, including, but not limited to,
13 loop electrosurgical excision procedure, colposcopy, ablation, and
14 intrauterine device insertion;

15 (2) Voluntary sterilization procedures pursuant to 42 U.S.C. 18022 and
16 identified in the comprehensive guidelines supported by the health
17 resources and services administration and thereby incorporated in the
18 essential health benefits benchmark plan;

19 (3) Patient education and counseling on contraception; and

20 (4) Follow-up services related to the drugs, devices, products, and
21 procedures covered under this paragraph, including, but not limited to,
22 management of side effects, counseling for continued adherence, and
23 device insertion and removal.

24 § 3. The opening paragraph and subparagraph (A) of paragraph 1 of
25 subsection (cc) of section 4303 of the insurance law, as amended by
26 section 2 of part M of chapter 57 of the laws of 2019, are amended to
27 read as follows:

28 Every contract that provides medical, major medical, or similar
29 comprehensive type coverage that is issued, amended, renewed, effective
30 or delivered on or after January first, two thousand twenty, shall
31 provide coverage for all of the following services, menstrual health
32 procedures, and contraceptive methods:

33 (A) All FDA-approved menstrual health procedures and contraceptive
34 drugs, devices, and other products. This includes all FDA-approved
35 over-the-counter contraceptive drugs, devices, and products as
36 prescribed or as otherwise authorized under state or federal law. The
37 following applies to this coverage:

38 (i) where the FDA has approved one or more therapeutic and pharmaceu-
39 tical equivalent, as defined by the FDA, versions of a contraceptive
40 drug, device, or product, a contract is not required to include all such
41 therapeutic and pharmaceutical equivalent versions in its formulary, so
42 long as at least one is included and covered without cost-sharing and in
43 accordance with this subsection;

44 (ii) if the covered therapeutic and pharmaceutical equivalent versions
45 of a drug, device, or product are not available or are deemed medically
46 inadvisable a contract shall provide coverage for an alternate therapeu-
47 tic and pharmaceutical equivalent version of the contraceptive drug,
48 device, or product without cost-sharing. If the attending health care
49 provider, in ~~his or her~~ their reasonable professional judgment, deter-
50 mines that the use of a non-covered therapeutic or pharmaceutical equiv-
51 alent of a drug, device, or product is warranted, the health care
52 provider's determination shall be final. The superintendent shall
53 promulgate regulations establishing a process, including timeframes, for
54 an insured, an insured's designee or an insured's health care provider
55 to request coverage of a non-covered contraceptive drug, device, or
56 product. Such regulations shall include a requirement that insurers use

1 an exception form that shall meet criteria established by the super-
2 intendent;

3 (iii) this coverage shall include emergency contraception without
4 cost-sharing when provided pursuant to a prescription or order under
5 section sixty-eight hundred thirty-one of the education law or when
6 lawfully provided over the counter; [~~and~~]

7 (iv) this coverage must allow for the dispensing of up to twelve
8 months worth of a contraceptive at one time; and

9 (v) this coverage shall include optional anesthesia for vaginal,
10 cervical, and uterine medical procedures, including, but not limited to,
11 loop electrosurgical excision procedure, colposcopy, ablation, and
12 intrauterine device insertion;

13 § 4. This act shall take effect immediately.