STATE OF NEW YORK

4072--A

Cal. No. 920

2025-2026 Regular Sessions

IN SENATE

January 31, 2025

Introduced by Sens. BYNOE, RHOADS -- read twice and ordered printed, and when printed to be committed to the Committee on Insurance -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the insurance law, in relation to coverage of certain procedures to detect breast cancer

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

Section 1. Subparagraph (A) of paragraph 11 of subsection (l) of section 3221 of the insurance law, as amended by chapter 424 of the laws of 2024, is amended to read as follows:

(A) Every insurer delivering a group or blanket policy or issuing a group or blanket policy for delivery in this state that provides coverage for hospital, surgical or medical care shall provide the following coverage for mammography screening for occult breast cancer:

(i) upon the recommendation of a physician, a mammogram, which may be provided by breast tomosynthesis, at any age for covered persons having a prior history of breast cancer or who have a first degree relative with a prior history of breast cancer;

(ii) a single baseline mammogram, which may be provided by breast tomosynthesis, for covered persons aged thirty-five through thirty-nine, inclusive**, and a single baseline mammogram, which may be provided by breast tomosynthesis, for all other covered persons upon the recommendation of a physician, subject to the insurer's determination that the mammogram is medically necessary**;

(iii) an annual mammogram, which may be provided by breast tomosynthesis, for covered persons aged forty and older;

(iv) for large group policies that provide coverage for hospital, surgical or medical care, an annual mammogram for **all** covered persons aged thirty-five through thirty-nine, inclusive **and all covered persons**

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

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having a prior history of breast cancer or who have a first degree relative with a prior history of breast cancer, and any sonogram or other diagnostic procedure used to detect breast cancer, upon the recommendation of a physician, subject to the insurer's determination that the mammogram is medically necessary; and

(v) upon the recommendation of a physician, screening and diagnostic imaging, including diagnostic mammograms, breast ultrasounds, or magnetic resonance imaging, recommended by nationally recognized clinical practice guidelines for the detection of breast cancer. For the purposes of this item, "nationally recognized clinical practice guidelines" means evidence-based clinical practice guidelines informed by a systematic review of evidence and an assessment of the benefits, and risks of alternative care options intended to optimize patient care developed by independent organizations or medical professional societies utilizing a transparent methodology and reporting structure and with a conflict of interest policy.

§ 2. Subparagraph (D) of paragraph 1 of subsection (p) of section 4303 of the insurance law, as amended by chapter 424 of the laws of 2024, is amended to read as follows:

(D) for large group contracts offered by a medical expense indemnity corporation, a hospital service corporation or a health service corporation that provide coverage for hospital, surgical or medical care, an annual mammogram for all covered persons aged thirty-five through thirty-nine, inclusive, and all covered persons having a prior history of breast cancer or who have a first degree relative with a prior history of breast cancer, and for all covered persons any sonogram or other diagnostic procedure used to detect breast cancer, upon the recommendation of a physician, subject to the corporation's determination that the mammogram is medically necessary;

§ 3. This act shall take effect on the same date and in the same manner as chapter 424 of the laws of 2024, takes effect.