STATE OF NEW YORK

4497

2025-2026 Regular Sessions

IN SENATE

February 6, 2025

Introduced by Sen. HINCHEY -- 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 coverage for fertility preservation services

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

Section 1. Clauses (vi) and (viii) of subparagraph (C) of paragraph 6 of subsection (k) of section 3221 of the insurance law, as amended by section 1 of part L of chapter 57 of the laws of 2019, are amended to read as follows:

(vi) Coverage shall also include standard fertility preservation services [~~when a medical treatment may directly or indirectly cause iatrogenic infertility to an insured~~]. Coverage may be subject to annual deductibles and coinsurance, including copayments, as may be deemed appropriate by the superintendent and as are consistent with those established for other benefits within a given policy.

(viii) No insurer providing coverage under this paragraph shall discriminate based on an insured's expected length of life, present [~~of~~] **or** predicted disability, degree of medical dependency, perceived quality of life, or other health conditions, **including anticipated iatrogenic infertility,** nor based on personal characteristics, including age, sex, sexual orientation, marital status or gender identity.

§ 2. Subparagraphs (F) and (H) of paragraph 3 of subsection (s) of section 4303 of the insurance law, as amended by section 2 of part L of chapter 57 of the laws of 2019, are amended to read as follows:

(F) Coverage shall also include standard fertility preservation services [~~when a medical treatment may directly or indirectly cause iatrogenic infertility to an insured~~]. Coverage may be subject to annual deductibles and coinsurance, including copayments, as may be deemed appropriate by the superintendent and as are consistent with those established for other benefits within a given contract.

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

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(H) No corporation providing coverage under this subsection shall discriminate based on an insured's expected length of life, present or predicted disability, degree of medical dependency, perceived quality of life, or other health conditions, **including anticipated iatrogenic infertility,** nor based on personal characteristics, including age, sex, sexual orientation, marital status or gender identity.

§ 3. Subparagraph (C) of paragraph 13 of subsection (i) of section 3216 of the insurance law, as added by section 3 of part L of chapter 57 of the laws of 2019, is amended to read as follows:

(C) Every policy that provides medical, major medical or similar comprehensive-type coverage shall provide coverage for standard fertility preservation services [~~when a medical treatment may directly or indirectly cause iatrogenic infertility to an insured~~]. Coverage may be subject to annual deductibles and coinsurance, including copayments, as may be deemed appropriate by the superintendent and as are consistent with those established for other benefits within a given policy.

(i) For purposes of this subparagraph, "iatrogenic infertility" means an impairment of fertility by surgery, radiation, chemotherapy or other medical treatment affecting reproductive organs or processes.

(ii) No insurer providing coverage under this paragraph shall discriminate based on an insured's expected length of life, present or predicted disability, degree of medical dependency, perceived quality of life, or other health conditions, **including anticipated iatrogenic infertility,** nor based on personal characteristics, including age, sex, sexual orientation, marital status or gender identity.

§ 4. This act shall take effect immediately.