

# 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:

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

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

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

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

20 (F) Coverage shall also include standard fertility preservation  
21 services [~~when a medical treatment may directly or indirectly cause~~  
22 ~~iatrogenic infertility to an insured~~]. Coverage may be subject to annual  
23 deductibles and coinsurance, including copayments, as may be deemed  
24 appropriate by the superintendent and as are consistent with those  
25 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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1 (H) No corporation providing coverage under this subsection shall  
2 discriminate based on an insured's expected length of life, present or  
3 predicted disability, degree of medical dependency, perceived quality of  
4 life, or other health conditions, including anticipated iatrogenic  
5 infertility, nor based on personal characteristics, including age, sex,  
6 sexual orientation, marital status or gender identity.

7 § 3. Subparagraph (C) of paragraph 13 of subsection (i) of section  
8 3216 of the insurance law, as added by section 3 of part L of chapter 57  
9 of the laws of 2019, is amended to read as follows:

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

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

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

26 § 4. This act shall take effect immediately.