STATE OF NEW YORK

6031

2025-2026 Regular Sessions

IN SENATE

March 4, 2025

Introduced by Sen. PARKER -- 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 insurance companies from requiring individuals to disclose if such individual has been diagnosed with an HIV infection prior to issuing life insurance

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

Section 1. Paragraphs 2 and 4 of subsection (a) of section 4224 of the insurance law, paragraph 2 as amended by chapter 713 of the laws of 1994 and paragraph 4 as amended by chapter 13 of the laws of 2002 and as renumbered by chapter 126 of the laws of 2024, are amended and a new paragraph 5 is added to read as follows:

(2) refuse to insure, refuse to continue to insure or limit the amount, extent or kind of coverage available to an individual, or charge a different rate for the same coverage solely because of the physical or mental disability, impairment or disease, or prior history thereof, of the insured or potential insured, except where the refusal, limitation or rate differential is permitted by law or regulation and is based on sound actuarial principles or is related to actual or reasonably anticipated experience, in which case the insurer[~~, subject to the limitations contained in section twenty-six hundred eleven of this chapter,~~] shall notify the insured or potential insured of the right to receive, or to designate a medical professional to receive, the specific reason or reasons for such refusal, limitation or rate differential;

(4) knowingly permit, and no agent thereof and no licensed insurance broker shall offer to make or make, any policy of life insurance or annuity contract or agreement as to such policy or contract other than as plainly expressed in the policy or contract[~~.~~]*;*

(5) require an individual to disclose if such individual has been diagnosed with an HIV infection or HIV-related illness or require such

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

LBD10640-01-5

individual to submit to an HIV-related test, pursuant to section twenty-six hundred eleven of this chapter, prior to issuing or renewing a life insurance policy for such individual. As used in this paragraph, the following terms shall have the following meanings: (i) "HIV infection" shall mean an infection with the human immunodeficiency virus or any other related virus identified as a probable causative agent of AIDS, (ii) "HIV-related test" shall mean any laboratory test or series of tests for any virus, antibody, antigen or etiologic agent whatsoever thought to cause or to indicate the presence of AIDS, and (iii) "AIDS" shall mean an acquired immune deficiency syndrome, as may be defined from time to time by the centers for disease control of the United States public health service.

§ 2. Section 2611 of the insurance law is amended by adding a new subsection (c-1) to read as follows:

(c-1) No insurer or its designee shall request or require an individual proposed for life insurance coverage to be the subject of an HIV-related test prior to issuing or renewing a life insurance policy for such individual.

§ 3. This act shall take effect on the ninetieth day after it shall have become a law.