

STATE OF NEW YORK

7012

2025-2026 Regular Sessions

IN SENATE

March 28, 2025

Introduced by Sen. SCARCELLA-SPANTON -- read twice and ordered printed,
and when printed to be committed to the Committee on Women's Issues

AN ACT to amend the public health law and the insurance law, in relation
to requiring maternal depression screenings and that such screenings
are covered by insurance

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

1 Section 1. Section 2500-k of the public health law is amended by
2 adding a new subdivision 3-a to read as follows:

3 3-a. Maternal depression screenings. (a) A health care provider shall
4 facilitate a screening for maternal depression within the first six
5 weeks of birth in accordance with the guidance developed under subdivi-
6 sion three of this section.

7 (b)(i) If such patient declines to be screened for depression within
8 the first six weeks of having given birth, the health care provider
9 shall record in such patient's medical records that such patient was not
10 screened for depression based upon the refusal by such patient. Such
11 refusal shall not be the basis for any action taken against a patient or
12 any denial of care or services.

13 (ii) The record of a patient's refusal of a depression screening shall
14 relieve such health care provider of liability under section sixty-five
15 hundred thirty of the education law.

16 § 2. Item (ii) of subparagraph (A) of paragraph 10 of subsection (i)
17 of section 3216 of the insurance law, as added by chapter 56 of the laws
18 of 1996, is amended to read as follows:

19 (ii) Maternity care coverage shall also include, at minimum, parent
20 education, assistance and training in breast or bottle feeding,
21 depression screenings in accordance with subdivision three-a of section
22 twenty-five hundred-k of the public health law, and the performance of
23 any necessary maternal and newborn clinical assessments.

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

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1 § 3. Item (ii) of subparagraph (A) of paragraph 5 of subsection (k) of
2 section 3221 of the insurance law, as added by chapter 56 of the laws of
3 1996, is amended to read as follows:

4 (ii) Maternity care coverage shall also include, at minimum, parent
5 education, assistance and training in breast or bottle feeding,
6 depression screenings in accordance with subdivision three-a of section
7 twenty-five hundred-k of the public health law, and the performance of
8 any necessary maternal and newborn clinical assessments.

9 § 4. Subparagraph (B) of paragraph 1 of subsection (c) of section 4303
10 of the insurance law, as amended by chapter 661 of the laws of 1997, is
11 amended to read as follows:

12 (B) Maternity care coverage also shall include, at minimum, parent
13 education, assistance and training in breast or bottle feeding,
14 depression screenings in accordance with subdivision three-a of section
15 twenty-five hundred-k of the public health law, and the performance of
16 any necessary maternal and newborn clinical assessments.

17 § 5. Section 3217-g of the insurance law, as added by chapter 199 of
18 the laws of 2014, is amended to read as follows:

19 § 3217-g. Maternal depression screenings. [~~To the extent a policy~~
20 ~~provides coverage for maternal depression screening, no~~] No insurer
21 subject to this article shall by contract, written policy or procedure
22 limit a patient insured's direct access to screening and referral for
23 maternal depression, as defined in subdivision one of section twenty-
24 five hundred-k of the public health law, from a provider of obstetrical,
25 gynecologic, or pediatric services of [~~her~~] their choice; provided that
26 the patient insured's access to such services, coverage and choice of
27 provider is otherwise subject to the terms and conditions of the policy
28 under which the patient insured is covered.

29 § 6. This act shall take effect one year after it shall have become a
30 law and shall apply to policies or contracts issued, renewed, modified,
31 altered, or amended on or after such date. Effective immediately, the
32 addition, amendment and/or repeal of any rule or regulation necessary
33 for the implementation of this act on its effective date are authorized
34 to be made and completed on or before such date.