STATE OF NEW YORK

7012--A

2025-2026 Regular Sessions

IN SENATE

March 28, 2025

Introduced by Sens. SCARCELLA-SPANTON, CANZONERI-FITZPATRICK -- read twice and ordered printed, and when printed to be committed to the Committee on Women's Issues -- recommitted to the Committee on Women's Issues in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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 Assembly, do enact as follows:

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

3-a. Maternal depression screenings. (a) A health care provider shall facilitate a screening for maternal depression using the Edinburgh Postnatal Depression Scale, or another validated, evidence-based maternal depression screening instrument approved by the commissioner prior to the patient leaving the birthing facility, and during the first postnatal visit which shall occur the first six weeks of having given birth, the health care provider shall record in such patient's medical records that such patient was not screened for depression based upon the refusal by such patient. Such refusal shall not be the basis for any action taken against a patient or any denial of care or services.

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

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

(ii) Maternity care coverage shall also include, at minimum, parent education, assistance and training in breast or bottle feeding,

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

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depression screenings in accordance with subdivision three-a of section twenty-five hundred-k of the public health law, and the performance of any necessary maternal and newborn clinical assessments.

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

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

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

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

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

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

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