**§ 3436-a. Adverse action against legal reproductive health care or gender-affirming care.** (a) Every insurer that issues or renews medical malpractice insurance or professional liability insurance covering a health care provider licensed to practice in this state shall be prohibited from taking any adverse action against a health care provider solely on the basis that the health care provider engages in legally protected health activity, as defined by section 570.17 of the criminal procedure law. The superintendent is expressly authorized to interpret "legally protected health activity" as if such definition was stated within this section. Such policy shall include health care providers who prescribe abortion medication to out-of-state patients by means of telehealth.

(b) Every insurer that issues or renews medical malpractice or professional liability insurance covering a health care provider licensed to practice in this state shall be prohibited from refusing to issue or renew, canceling, or charging or imposing an increased premium or rate for, or excluding, limiting, restricting, or reducing coverage under a medical malpractice or professional liability insurance policy based solely upon the legal use or prescription in this state of any drug prescribed for the purpose of an abortion, including both generic and brand name drugs, that has not been approved by the food and drug administration for abortion, provided, however, that such drug shall be a recognized medication for abortion in one of the following established reference compendia:

(1) The WHO Model Lists of Essential Medicines;

(2) The WHO Abortion Care Guidance; or

(3) The National Academies of Science, Engineering, and Medicine Consensus Study Report.

(c) As used in this section, "adverse action" shall mean but not be limited to: (1) refusing to renew or execute a contract or agreement with a health care provider; (2) making a report or commenting to an appropriate private or governmental entity regarding practices of such provider which may violate abortion laws in other states; and (3) increasing in any charge for, or a reduction or other adverse or unfavorable change in the terms of coverage or amount for, any medical malpractice or professional liability insurance contract or agreement with a health care provider.

(d) As used in this section, "medical malpractice insurance" shall have the meaning set forth in section five thousand five hundred one of this chapter.

(e) As used in this section, "professional liability insurance" shall mean insurance against legal liability of the insured, and against loss, damage, or expense incident to a claim of such liability arising out of the death or injury of any person due to medical, psychiatric, mental health, or other malpractice by any licensed physician assistant, physical therapist, physical therapist assistant, pharmacist, registered pharmacy technician, nurse, psychologist, psychiatrist, social worker, occupational therapist, speech-language pathologist, or mental health practitioner.

(f) As used in this section, "health care provider" shall mean a person who is licensed, certified, or authorized under title eight of the education law and acting within their lawful scope of practice and includes, but is not limited to persons subject to articles one hundred thirty-one, one hundred thirty-one-B, one hundred thirty-six, one hundred thirty-seven, one hundred thirty-seven-A, one hundred thirty-nine, one hundred forty, one hundred fifty-three, one hundred fifty-four, one hundred fifty-six, one hundred fifty-nine, or one hundred sixty-three of the education law or any other person designated as a health care provider by law, rule, or regulation.