

NEW YORK STATE ASSEMBLY

Carl E. Heastie, Speaker

David I. Weprin, Chair



2023 ANNUAL REPORT

COMMITTEE ON
Insurance



**THE ASSEMBLY
STATE OF NEW YORK
ALBANY**

COMMITTEES

Ways and Means
Banks
Codes
Judiciary

DAVID I. WEPRIN
Assemblymember 24th District

CHAIR
Assembly Insurance Committee

December 15, 2023

The Honorable Carl E. Heastie
Speaker of the Assembly
Room 932, Legislative Office Building
Albany, New York 12248

Dear Speaker Heastie:

I hereby submit to you the 2023 Annual Report for the Committee on Insurance. I am pleased to report that the Committee had a productive session thanks to the dedication of the members, diligence of our staff and the direction of your leadership. The Committee advanced legislation that would codify essential consumer and policyholder protections, expand access to critical healthcare services, and ensure a robust and affordable insurance market in New York State.

One of the primary objectives of the Committee on Insurance is to develop and advance key protections for consumers and policyholders. To this end, the Committee reported, and the Assembly passed, legislation that would provide for the prompt investigation and settlement of claims by property and casualty insurers following the declaration of a state of emergency, require the Superintendent of the Department of Financial Services (DFS) to promulgate regulations which provide standardized definitions for commonly used terms and phrases found in homeowners policies and commercial lines policies that provide coverage for loss or damage to real property, and prohibit the use of “bait and switch” tactics used by auto insurers after binding coverage. These measures create a better consumer experience by ensuring that policyholders are provided prompt service, consistent and understandable language in their policies, and accurate information when engaging with their insurance company.

Another focus of the Committee’s work this session involved reporting legislation that would require, expand, or clarify coverage of important health services. The Committee reported, and the Assembly passed, legislation that would require commercial insurance coverage of comprehensive neuropsychological examinations for the purposes of diagnosing dyslexia as well as a measure to require insurance coverage for biomarker testing for the purposes of diagnosis, treatment, appropriate management, or ongoing monitoring of a covered person's disease or condition. Building on our work last year to secure insurance coverage of chest wall reconstruction procedures following a mastectomy or partial mastectomy, the Committee unanimously reported legislation to require commercial insurance coverage of tattooing of the nipple-areolar complex as part of breast reconstruction surgery. In addition, the Committee continued its support of

legislation that would provide tenants exposed to lead paint access to necessary medical treatment by prohibiting insurers of rental properties from excluding coverage for losses caused by exposure to lead-based paint.

In addition to its efforts in the realms of health, homeowners and automobile insurance, the Committee worked diligently to protect consumers of long-term care insurance. A.345, reported by the Committee in May and signed by the Governor as Chapter 655, required insurers that issue long-term care policies to disclose to current and prospective policyholders that policies may be subject to future premium rate increases, a list of past premium rate increases for such policy, directions on how to obtain information about the department's review of any rate filing or application, and a description of the options policyholders will have to mitigate any premium increases, among other disclosures. In addition, the DFS must post on its website information describing the process that it uses in reviewing and approving premium rates and post notice whenever an insurer requests a premium rate increase. These disclosure requirements will provide current and prospective holders of long-term care policies with the information they need to make better-informed decisions regarding their policies.

A major priority during my first year as Chair of the Committee on Insurance was to shed light on the pricing of prescription drugs. The committee reported legislation that would require manufacturers of prescription drugs with a cost of more than forty dollars per course of treatment to provide a written notice to the Superintendent of the DFS at least sixty days prior to an increase of a drug's wholesale acquisition cost by more than sixteen percent. This sixteen percent would encompass both the intended increase and the cumulative increases that occurred during the twenty four months prior to the intended increase. The Committee also reported legislation that would require pharmacy services administrative organizations, pharmacy switch companies and rebate aggregators to register with the DFS and provide certain disclosures relating to the ownership and activities of such entities. This measure will allow the DFS to regulate these companies to ensure they are acting in the best interests of their clients, be that pharmacies, insurance companies, or PBMs.

The 2023 session resulted in the crafting, reporting, and ultimately the passage of legislation that will improve the quality and accessibility of insurance products sold in New York State. I thank the members and staff of the Assembly Committee on Insurance for their great efforts during this past session and again thank you, Mr. Speaker, for your strong leadership, commitment to this legislative body and the people of New York State and for your faith in allowing me to serve in this important capacity.

Sincerely,

A handwritten signature in black ink, appearing to read "David I. Weprin". The signature is written in a cursive, flowing style.

David I. Weprin, Chair
New York State Assembly
Standing Committee on Insurance

NEW YORK STATE ASSEMBLY
STANDING COMMITTEE ON INSURANCE

David I. Weprin, Chair

▪ MEMBERS ▪

Majority

Vivian E. Cook
J. Gary Pretlow
Charles D. Lavine
Phillip G. Steck
Erik M. Dilan
Pamela J. Hunter
Daniel Rosenthal
Steve Stern
Jonathan G. Jacobson
Demond Meeks
Phara Souffrant Forrest
Khaleel M. Anderson
Catalina Cruz
Jen Lunsford
Alex Bores

Minority

Kenneth D. Blankenbush,
Ranking Minority Member
Stephen M. Hawley
Phillip A. Palmesano
Jarett Gandolfo
Brian Curran
Josh Jensen
Jake Blumencranz
Scott Bendett

▪ COMMITTEE STAFF ▪

Fletcher Whyland, Assistant Secretary for Program and Policy
Jared Bove, Associate Counsel
Marc Thurston, Analyst
Alejandro Avellaneda, Legislative Director
Sally Block, Program and Counsel Secretary

▪ **TABLE OF CONTENTS** ▪

	<u>Page</u>
I. 2023 - 24 Budget	1
II. Health Insurance	3
III. Property / Casualty Insurance	8
IV. Auto Insurance	10
V. Life Insurance	13
VI. Miscellaneous	15
VII. 2023 Public Hearing	22
VIII. Outlook for 2024	23
Appendix A: Summary of Action on All Bills in 2023	24
Appendix B: Chapters of 2023	25
Appendix C: Bills Reported in 2023	28
Appendix D: Bills Vetoed in 2023	36

▪ 2023 - 24 Budget ▪

This year's budget negotiations provided a challenging yet crucial opportunity for the Legislature and Executive to identify and address existing gaps in the access to essential healthcare services and enhance consumer protections.

The SFY 2023-24 Enacted Budget included policies that required commercial health insurance coverage of critical inpatient and outpatient treatments and services for behavioral health and substance use disorders. These services include subacute care in crisis residence facilities licensed or operated by the Office of Mental Health (OMH), outpatient care provided by a mobile crisis intervention services providers licensed, certified or designated by OMH or the Office of Addiction Services and Supports, inpatient and outpatient care for critical time intervention services, and outpatient care for assertive community treatment services. Insurance coverage of these services, providers and facilities will ensure patients with behavioral or substance use disorders will continue to have access to quality care and treatment following their discharge from the hospital. The Enacted Budget also included provisions that expanded patient access to free-standing ambulatory surgical centers, which are safe and effective sites of care to perform routine, non-urgent screenings, and procedures. These centers offer patients greater convenience and flexibility over outpatient hospital clinics and are often less expensive, providing cost-savings to patients.

In addition, the Enacted Budget expanded the availability of essential prescription medications that treat substance abuse disorders, including buprenorphine, methadone, and naltrexone, by eliminating their prior authorization by insurance companies. The Budget also required insurance coverage of misoprostol and other such prescription medications used for abortion, including for off-label use, to protect access to these medications amid legal challenges that threaten their availability to New Yorkers.

A major component of the Enacted Budget expanded the Life Insurance Guaranty Corporation to include health and property casualty insurers that write health insurance policies. Under this proposal, life, health, and property and casualty insurance companies that issue life, salary protection, long-term care, and accident and health insurance policies to New Yorkers will be assessed in the event a member insurer becomes insolvent and can no longer fulfill their benefit obligations to their policyholders. In the event their insurer becomes insolvent, these assessments will be used to pay the outstanding claims of policyholders, ensure they maintain insurance coverage and retain their benefits, as well as meet the outstanding financial obligations of the insolvent insurer. The enactment of this proposal protected the long-term care insurance benefits of more than 600 New Yorkers after their health insurer entered financial rehabilitation and will continue to protect the hard-earned benefits of New Yorkers for years to come.

The SFY 2023-24 Budget also includes routine extensions of the Entertainment Workers Demonstration Program, which assists eligible entertainment industry employees in maintaining insurance during episodic employment, and the Physician Excess Medical Malpractice Program, which provides indispensable excess medical malpractice coverage for over 18,000 New York physicians and dentists.

▪HEALTH INSURANCE ▪

A. Direct Payment for Ambulance Services

A.250-A Magnarelli / S.1466 Breslin

Chapter 649 of the Laws of 2023

This law requires insurance companies to pay out-of-network ambulance companies directly in the amount of the usual and customary charge when the insured has executed an assignment of benefits.

This bill was signed by the Governor.

B. Notice of Adverse Step Therapy Determinations

A.463-A McDonald / S.2677-A Breslin

Chapter 735 of the Laws of 2023

This bill would require notice of an adverse determination made by a utilization review agent in relation to a step therapy protocol override determination include the clinical review criteria relied upon to make the determination as well as alternative prescription drugs covered under the insurer's step therapy protocol.

This bill was signed by the Governor.

C. Coverage for PrEP and PEP for the Prevention of HIV

A.1326 O'Donnell / S.825 Hoylman

Chapter 79 of the Laws of 2023

This law clarified Chapter 721 of the Laws of 2022 to require health insurers to provide large group coverage for pre-exposure prophylaxis (PrEP) and post-exposure prophylaxis (PEP) to prevent HIV infection. This law also clarified that such coverage may be subject to annual deductibles and coinsurance unless such medication has a rating of 'A' or 'B' in the recommendations of the United States Preventive Services Task Force.

This bill was signed by the Governor.

D. Coverage for Biomarker Testing
A.1673-A Hunter / S.1196-A Persaud
Chapter 754 of the Laws of 2023

This bill would require health insurance policies and Medicaid to cover biomarker testing for the diagnosis, treatment, appropriate management, or ongoing monitoring of a covered person's disease or condition when the test is supported by medical and scientific evidence.

This bill was signed by the Governor.

E. Reporting of Drug Price Increases
A.1707-A Rosenthal D. / S.599-A Salazar
Chapter 738 of the Laws of 2023

This law would require manufacturers of prescription drugs with a cost of more than \$40 per course of treatment to provide a written notice to the Superintendent of the DFS at least sixty days prior to an increase of a drug's wholesale acquisition cost by more than 16%, including the intended increase and the cumulative increases that occurred during the 24 months prior to the increase.

This bill was signed by the Governor.

F. Coverage of Mental Health Services
A.1975 Bronson / S.1355 Kennedy
Chapter 62 of the Laws of 2023

This law amended Chapter 818 of the Laws of 2022 to remove references to creative arts therapists.

This bill was signed by the Governor.

G. Coverage for Colorectal Cancer Early Detection Screenings
A.2198 Dinowitz / S.824 Sanders
Chapter 78 of the Laws of 2023

This law amended Chapter 739 of the Laws of 2022 to require large group health plans to provide coverage for colorectal cancer screenings, examinations, and laboratory tests in accordance with the American Cancer Society Guidelines for colorectal cancer screening of average risk individuals with no cost-sharing requirement. The law also requires health insurers to notify enrollees at least annually of covered colorectal cancer screenings.

This bill was signed by the Governor.

H. Patient Rx Information and Choice Expansion Act

A.2200 McDonald / S.836 Breslin

Chapter 63 of the Laws of 2023

This law amended Chapter 826 of the Laws of 2022 to exempt Medicaid from the PRICE Act, which requires that real-time, patient specific, prescription drug out-of-pocket cost details be provided to the patient at the point of prescribing.

This bill was signed by the Governor.

I. Additional Prescription Fills During State Disaster Emergencies

A.2201 Cruz / S.2228 Breslin

Chapter 64 of the Laws of 2023

This law provided technical amendments to Chapter 793 of the Laws of 2022 that amended provisions of the Insurance Law to require insurance policies and contracts that provide coverage for prescription drugs to include coverage of an additional thirty-day supply of a prescription drug during a state disaster emergency.

This bill was signed by the Governor.

J. HEAL Act

A.2205 Cruz / S.1330 Gounardes

Chapter 95 of the Laws of 2023

This law provided technical amendments to Chapter 665 of the Laws of 2022 that prohibited insurers from entering into contracts with certain anti-competitive clauses, such as “most-favored-nation” provisions and required insurers to disclose the price information regarding negotiated rates and other discounts with health care providers.

This bill was signed by the Governor.

K. Coverage for Neuropsychological Exams for Dyslexia

A.2898-A Carroll / S.5481-A Hoylman-Sigal

This bill would require commercial insurance coverage of comprehensive neuropsychological examinations for the purposes of diagnosing dyslexia.

This bill passed the Assembly.

L. *Premium Reductions for Physicians and Licensed Midwives*
A.3241 Paulin / S.6652 Ramos

This bill would allow for a medical malpractice premium reduction for licensed midwives who complete risk management strategies courses in obstetrics or midwifery.

This bill was advanced to the Third Reading Calendar.

M. *Application of Price Reduction Instruments by Health Insurers*
A.3693 Weprin / S.1350 Rivera
Chapter 117 of the Laws of 2023

This law amended Chapter 736 of the Laws of 2022 to clarify which prescription drugs are required to have price reduction coupons count towards an insured's deductible or any cost-sharing requirement.

This bill was signed by the Governor.

N. *Care and Treatment of Medically Fragile Children*
A.4135 Weprin / S.1319 Rivera
Chapter 170 of the Laws of 2023

This law amended Chapter 816 of the Laws of the 2022 to clarify the definition of medically fragile children, require the use of specialized clinical standards for medically fragile children by utilization review agents, mandate a statutory reimbursement rate to specialty care centers and authorize the DFS in consultations with the DOH to promulgate regulations regarding special considerations and processes for utilization review related to medically fragile children.

This bill was signed by the Governor.

O. *Coverage of Certain Providers After Health Plan Disaffiliation*
A.5129 Dinowitz / S.6576 Comrie

This bill would require insurance coverage of services provided by a disaffiliated provider for one year following disaffiliation and until death if the insured has a terminal illness or condition.

This bill was reported to Rules.

*P. Coverage of Nipple Tattooing
A.5729-A Paulin / S.6146-A Cleare*

This bill would require commercial insurance coverage of tattooing of the nipple-areolar complex as a part of breast reconstruction surgery.

This bill passed the Assembly.

*Q. The Prescription Drug Supply Chain Transparency Act of 2023
A.7304-A McDonald / No Same as*

This bill would require pharmacy services administrative organizations, pharmacy switch companies and rebate aggregators to register with the DFS and provide certain disclosures relating to the ownership and activities of such entities.

This bill was reported to Codes.

▪ **PROPERTY / CASUALTY INSURANCE** ▪

A. Alternative Forms of Identification for Renters Insurance

A.125-B Cruz / No Same-As

This bill would allow renters to use a municipal identification card or other state or local government-issued identification cards when applying for renters' insurance. Currently, applicants for renters' insurance must possess a social security number, preventing non-citizens from accessing crucial insurance for their property.

This bill was reported to Rules.

B. Lead Paint Exclusion

A.1687 Rivera, J.D. / S.88 Ryan

This bill would prohibit insurers licensed to provide liability coverage to rental property owners from excluding coverage for losses caused by exposure to lead-based paint. This prohibition would take effect 26 months following the bill's immediate effective date and would mandate that all previously approved exclusions for losses caused by exposure to lead-based paint shall be terminated after said period.

This bill passed the Assembly.

C. Prompt Investigation and Settlement of Claims

A.2078 Stern / S.5201 Skoufis

Chapter 775 of the Laws of 2023

This law requires insurers that write homeowners and certain commercial property and casualty insurance policies to begin investigating a claim arising from a declared disaster or emergency in accordance with timeframes and standards promulgated by the Superintendent of the DFS. In addition, this law requires that within fifteen business days of receiving all evidentiary items that the insurer requested from a claimant, the claim must be accepted or rejected, and the decision be issued in writing. A one-time extension of a claim by an insurer would be permissible. Any claim would have to be paid no later than three business days from settlement.

This bill was signed to Governor.

D. Anti-Arson Applications

A.2811 Rosenthal, D. / S.3547 Sanders

This bill would repeal a requirement that consumers seeking to purchase or renew

policies covering multi-family dwellings in New York City complete an obsolete anti-arson application for their coverage to be effective.

This bill passed the Assembly.

E. Hurricane Windstorm Deductibles
A.2866 Pheffer Amato / S.4199 Sanders

This bill would require the Superintendent of the DFS to promulgate regulations providing standards for hurricane windstorm deductibles which create, to the greatest extent possible, uniformity in the operation of such deductibles with respect to the triggering event.

This bill passed the Assembly.

F. Flood Insurance Annual Notice
A.5439 Barclay / S.4381 Walczyk

This bill would require the DFS to post a statement related to flood insurance and contact information in newspapers that serve communities bordering Lake Ontario.

This bill passed the Assembly.

▪ AUTO INSURANCE ▪

A. Coverage for Police Agencies

*A.1178 Jacobson / S.439 Skoufis
Chapter 751 of the Laws of 2023*

This law requires insurance policies covering police and fire vehicles to provide supplemental coverage for bodily injury sustained by an uninsured or an underinsured motorist when the policy includes such endorsement.

This bill was signed by the Governor.

B. Study of Minimum Coverage Amounts

A.2577 Hyndman / S.2685 Breslin

This bill would require the DFS to issue a report to the Legislature by April 25, 2025 that investigates whether and to what extent minimum coverages for motor vehicle liability, uninsured motorist, and no-fault insurance limits should be increased, and the potential impact on premiums.

This bill was reported to Ways and Means.

C. Supplemental Spousal Liability Insurance

*A.2892 Bores / S.833 Breslin
Chapter 108 of the Laws of 2023*

This law amended Chapter 735 of the Laws of 2022 which provided that all auto insurance policies must include opt-out supplemental spousal liability insurance coverage equal to the insured's bodily injury liability insurance coverage unless the insured declines such spousal insurance with a written waiver.

This amendment implemented a sunset of July 31, 2027 to allow for the evaluation of the impact an opt-out system would have on premium costs. The amendment also moved the effective date back from January 2023 to August 2023.

This bill was signed by the Governor.

D. Automobile Inspection Waiver

*A.3172-A Zebrowski / S.5889 Breslin
Chapter 638 of the Laws of 2023*

This law allows an auto insurer to waive the requirement that an automobile be inspected prior to the issuance of a policy if such insurer has filed a statement of operation with the Superintendent of the DFS.

This bill was signed by the Governor.

E. *Driving History Verification*
A.4668-B Weprin / S.5764-B Breslin
Chapter 767 of the Laws of 2023

This law requires insurance companies to make a good faith effort to check the driving history of a person before binding insurance to prevent the issuance of “bait and switch” low-priced policies.

This bill was signed by the Governor.

F. *Commuter Van Captive Insurance Program*
A.5294 Anderson / S.4862 Comrie
Veto Memo 136

This bill would direct the Superintendent of the DFS to form a captive insurance program for commuter vans and create a commuter van trust fund. This fund will be used to pay for insurance losses suffered by commuter vans in excess of \$250,000.

This DFS program would identify and license a captive insurance company or companies to provide necessary insurance coverage to commuter vans; promulgate standards for enrollment of eligible commuter vans, including mechanisms for determining eligibility; and promulgate standards for monitoring the performance of such captive insurance company or companies in providing affordable insurance coverage to commuter vans participating in the program.

This bill was vetoed by the Governor.

G. *Risk Retention Group Auto Insurance Policies*
A5718-B Kelles / S. 5959-B Webb
Chapter 438 of the Laws of 2023

This law authorizes not-for-profit RRGs not chartered or licensed in NYS to be able to underwrite auto liability policies in New York. This law also requires the superintendent of the DFS and the Commissioner of Motor Vehicles to study the impact of this law on the quality and practicability of coverage on automotive accidents covered under such insurance policies, the magnitude of need and interest

in these types of insurance policies across the state, customer satisfaction and fiscal surety using such policies, and the ability of the state to regulate such policies through the federal Limited Risk Retention Act. This study is due to the Governor and Legislature no later than four years after the effective date.

This bill was signed by the Governor.

H. Supplemental Underinsured Motorist Coverage

A.7357 Taylor / S.7157 Breslin

Chapter 181 of the Laws of 2023

This law extended until June 30, 2026, provisions that allow for the sale of supplemental uninsured/underinsured motorist insurance in an amount equal to the bodily injury limits of an insured's auto insurance policy.

This bill was signed by the Governor.

▪ LIFE INSURANCE ▪

A. Long Term Care Policy Disclosure Requirements

A.345-C Burdick / S.2330-B Mayer

Chapter 655 of the Laws of 2023

This law would increase the disclosure requirements of insurers and the department of financial services to enrollees and policyholders of long-term care insurance.

Under this legislation, the insurer must provide policyholders with a written statement indicating that such policy or certificate may be subject to future premium rate increases, a list of past premium rate increases for such policy or certificate over the previous ten years, directions on how to obtain information about the DFS's review of any rate filing or application and a description of the options policyholders will have to mitigate any premium increases among other requirements.

In addition, this law requires the DFS to post on its website information describing the process that it uses in reviewing and approving premium rates for long term care policies and contracts and to publish a notice whenever a long-term care insurer submits a rate filing to the DFS. The DFS must issue a public notice following its approval, denial or modification of a rate filing summarizing the department's determination and what considerations the department made in reaching its determination.

This bill was signed by the Governor.

B. Annuity Benefits

A.2199 Stern / S.811 Breslin

Chapter 69 of the Laws of 2023

This law amended Chapter 832 of the Laws of 2022 relating to annuity benefits. Chapter 832 of the Laws of 2022 provided that New York consumers have access to an array of annuity products, including participating deferred income annuities. This chapter amendment made technical amendments to provisions of the Insurance Law.

This bill was signed by the Governor.

C. Wellness Programs for Life Insurance Policies

A.2853-B Meeks / S.5890-A Breslin

Chapter 768 of the Laws of 2023

This law permits life insurers, upon the consent of the insured, to offer wellness programs in conjunction with the issuance of life insurance policies. It would also establish requirements for insurers. The law makes corresponding changes to the categories of permissible rewards and incentives associated with the wellness programs, including premium refunds, discounts, credit, discounts on products or services intended to identify behavioral changes that improve health or reduce the risk of death and full or partial reimbursement of the cost of a device and any associated subscription membership that can be used to track physical activity and biometric data. The programs under this law must be voluntary on the part of the insured.

This bill was signed by the Governor.

▪ MISCELLANEOUS ▪

A. Mortgage Guaranty Insurer Contingency Reserves
A.900-A McDonald / S.3592 Breslin

This bill would permit the Superintendent of the DFS to authorize mortgage guaranty insurers to draw down on their contingency reserves if after due consideration the Superintendent determines the withdrawal shall not be harmful to policyholders.

This bill was reported to Rules.

B. Prohibition on Insurer Demands for Intrusive Information
A.1731 Dinowitz / No Same As

This bill would establish that it shall be an unfair claim settlement practice for an insurer to demand personal, financial and tax information while investigating a theft claim. The legislation would allow insurers to request personal, financial, and tax information if special articulable circumstances exist which directly relate to the particular, individual facts of such theft and which warrant the making of such demand for the specific purpose of determining if such claim is fraudulent.

This bill passed the Assembly.

C. Excess Line Affidavit Requirements
A.2202 Hunter / S.1318 Breslin
Chapter 93 of the Laws of 2023

This law is a chapter amendment to Chapter 833 of the Laws of 2022 relating to excess line insurance placement affidavit requirements. Chapter 833 of the Laws of 2022 provided that retail and wholesale insurance brokers must only include on an excess line affidavit the name and national association of insurance commissioners code of each authorized insurer declining a risk. This chapter amendment required retail and wholesale brokers to disclose the date of the declination on an excess line affidavit but no longer required brokers to record on the affidavit the name of the representative declining the risk, the representative's affiliation, or the reason for the declination.

This bill was signed by the Governor.

D. Insurance for Victims of Hate Crime
A.2207 Eichenstein / S.2231 Breslin
Chapter 65 of the Laws of 2022

This law is a chapter amendment to Chapter 676 of the Laws of 2022 relating to insurance for victims of a hate crime. Chapter 676 of the Laws of 2022 prohibited an insurer from canceling, refusing to issue or renew, or increasing the premium of a policy solely on the basis that one or more claims have been made against any policy during the preceding sixty months for a loss that is the result of a hate crime. This chapter amendment moved this protection to Article 34 of the Insurance Law, added that this protection applies to an independently owned and operated business entity that employs 100 or fewer employees, changed the term "offender" to "perpetrator", clarified that this new law shall not prohibit an insurer from abiding by other sections of the Insurance Law and provides a ninety-day effective date.

This bill was signed by the Governor.

E. Policy Summary Documents

A.2741 Paulin / S.4228 Cooney

This bill requires insurers to provide policyholders with a document summarizing basic policy information when they purchase homeowners' insurance, renters, and non-commercial auto insurance policies. The document must state the coverage limits, term of the policy, annual premium, deductible amounts, and the principal exclusions from coverage. Such document would also need to include a disclaimer that the document is only a summary of the policy, that the amount and scope of coverage are determined only by the actual terms of the policy, and that if the policyholder has any questions, they should contact the insurer, or the agent or broker who sold the policy.

This bill passed the Assembly.

F. Standardized Insurance Terms

A.4011 Weprin / S.1472 Breslin

This bill would require the Superintendent of the DFS, within six months of the effective date of this bill, to promulgate regulations which provide standardized definitions for commonly used terms and phrases found in homeowners' policies and commercial lines policies that provide coverage for loss or damage to real property, personal property or other liabilities. Insurers must incorporate these standardized terms by January 1, 2025.

This bill passed the Assembly.

G. Charitable Annuity Rates

A.4599-A Weprin / S.2683-A Breslin

Chapter 584 of the Laws of 2023

This law allows charities to use a single table of unisex annuity rates used for payouts of charitable gift annuities. A charitable gift annuity is a fixed stream of income a donor receives after they donate a sizeable monetary gift to a charity that is paid out monthly or quarterly over the course of the donor's life in an amount equal to 50% of the original gift.

Under this law, maximum annuity rates will be updated biannually. The rate beginning July 1st of any given year shall be equal to the yield of the ten-year treasury bond plus two percent as of April 13th, rounded to the nearest 0.25%. The rate beginning January 1st of any given year shall be equal to the yield of the ten-year treasury bond plus two percent as of October 31st, rounded to the nearest 0.25%. This is the formula used by the American Council of Gift Annuities, whose rates are adopted by 97% of charities in the United States.

This bill was signed by the Governor.

H. Federal Home Loan Banks

A.4925 Hunter / S.6827 Breslin

This bill would require that Federal Home Loan Bank (FHLB) receivers shall not void a transfer of money or other property, arising in connection with a federal home loan bank security agreement made before any formal proceedings and in compliance with the security agreement, unless such transfer was made with the intent to hinder, delay, or defraud the insurer-member, a receiver appointed for the insurer-member or existing/future creditors. It would also require that receivers shall not void a redemption or repurchase of any stock or equity securities which were made by the Federal Home Loan Bank within four months of a formal commencement of delinquency proceedings.

This bill passed the Assembly.

I. Reauthorization of the Excess Line Association

A.4984-B Rosenthal, D. / S.4354-A Breslin

Chapter 550 of the Laws of 2023

This law extended the enabling legislation for the Excess Line Association. This bill also clarifies the Excess Line Association's ability to inspect the records of its member brokers.

This bill was signed by the Governor.

J. *Flood Insurance Annual Notice*
A.5439 Barclay / S.4381 Walczyk

This bill would require the DFS to post a statement related to flood insurance and contact information in newspapers that serve communities bordering Lake Ontario.

This bill passed the Assembly.

K. *Collateral Estoppel No-Fault Reform*
A.5646-A Cook / S.5591-A Comrie
Chapter 766 of the Laws of 2023

This law provides that the award or decision of an arbitrator or master arbitrator rendered in a no-fault arbitration will not constitute a collateral estoppel of the issues arbitrated with respect to a serious personal injury.

This bill was signed by the Governor.

L. *Financial Guaranty Insurance*
A.6164 Weprin / S.3612 Breslin
Chapter 568 of the Laws of 2023

This law permitted financial guaranty insurers to underwrite a wider array of highly rated government bonds in countries that belong to the Organization for Economic Co-operation and Development (OECD).

This bill was signed by the Governor.

M. *TIAA-CREF Merger*
A.6347-B / S.2679-B Breslin
Chapter 171 of the Laws of 2023

This law allows for the merger of the Teachers Insurance and Annuity Association (TIAA), and the College Retirement Equities Fund (CREF). The combination of TIAA and CREF into one entity will result in a simpler, more modern and more typical insurance company and eliminate the complex regulatory anomaly of having TIAA and CREF being legally independent but closely aligned "companion" organizations.

This bill was signed by the Governor.

N. School District Health Insurance Consortiums

A.7038 Woerner / S.3613 Breslin

Chapter 576 of the Laws of 2023

This law extends for three years the provisions of Chapters 589 and 588 of 2015 which grandfathered health plans with 51-100 members which had self-insurance with stop loss coverage as of January 1st, 2015. This law allows grandfathered school districts with less than 100 employees to continue their participation in cheaper, experience-rated school district insurance consortiums.

This bill was signed by the Governor.

O. Unfair Claim Settlement Practices

A.7139 Weinstein / S.1797 Ramos

This bill would grant claimants a private right of action to seek damages if their insurer unreasonably refuses to pay or unreasonably delays payment without substantial justification.

This bill was reported to Rules.

P. Excess Medical Malpractice Insurance

A.7255 Anderson / S.7057 Breslin

Chapter 156 of the Laws of 2023

This law extends until July 1, 2028 the statutory clarification that the Medical Malpractice Insurance Pool (MMIP) is not required to offer a second layer of excess medical malpractice insurance coverage.

This bill was signed by the Governor.

Q. Filing Requirement Exemptions for Commercial Insurers

A.7291 Stern / S.7103 Breslin

Chapter 158 of the Laws of 2023

This law extends until June 30, 2027 provisions of the Insurance Law which permits certain qualified insurers to write insurance without the DFS' prior approval of rates and forms and extended until June 30, 2025 provisions that extend the minimum surplus to policyholder ratio required of medical malpractice insurers.

This bill was signed by the Governor.

R. *NYPIUA Authorization and Property Casualty Insurance Availability Act*
A.7352 Hunter / S.7189 Breslin
Chapter 182 of the Laws of 2023

This law extends provisions of the property/casualty insurance availability act and the authority of the New York Property Insurance Underwriting Association.

This bill was signed by the Governor.

S. *Group Capital Calculations and Liquidity Stress Tests*
A.7356-A Weprin / S.7095-A Breslin
Chapter 344 of the Laws of 2023

This law provides an annual group capital calculation filing requirement and liquidity stress test on New York domiciled insurers that underwrite policies in the U.K. and E.U.

The law amends the Insurance Law to impose an annual group capital calculation (GCC) filing requirement, which is necessary to comply with the bilateral agreements between the U.S. and E.U. and U.S. and U.K. on prudential measures regarding insurance and reinsurance. States must have a worldwide group capital calculation in place to avoid the E.U. or U.K. imposing its own GCC on that group and therefore all the U.S. insurers within the group. The GCC will also become an NAIC accreditation standard with which DFS must comply to maintain its accreditation. The law also adds a liquidity stress test (LST) filing requirement, which also will become an NAIC accreditation standard.

This bill was signed by the Governor.

T. *Owner & Contractor Controlled Insurance Programs*
A.7542 Weprin / S.7385 Sanders
Chapter 602 of the Laws of 2023

This law authorizes the City of New York, the City School District of the City of New York (often referred to as "DOE"), the New York City Industrial Development Agency (NYCIDA), the New York City Health and Hospitals Corporation (H+H), and the New York City Housing Authority (NYCHA) to use Owner Controlled Insurance Programs (OCIPs) in connection with any contract the principal purpose of which is construction, as well as allowing those entities to use Contractor Controlled Insurance

Programs (CCIPs) that have an estimated cost of more than \$5 million. It also provides that any contract undertaken pursuant to this authorization that costs \$5 million or more is only authorized if undertaken pursuant to a project labor agreement.

This bill was signed by the Governor.

▪ 2023 Public Hearing ▪

On November 29, 2023, the Assembly Committee on Insurance and Committee on Environmental Conservation, chaired by Deborah J. Glick, held an informative hearing to examine the impact of extreme weather events on the resiliency of the property and casualty insurance market in New York State. It is clear to the Committee that climate change has accelerated the severity and frequency of hurricanes and floods that have impacted New York State in recent years. These increasingly devastating weather events have caused billions of dollars in property damage and significant loss of life in New York. Notably, Hurricane Sandy in October 2012 caused extensive damage in New York City, its suburbs, and Long Island, while Hurricane Ida damaged over 33,000 buildings in New York City in September 2021. These and other extraordinary weather events have the potential to profoundly impact the New York State insurance market by jeopardizing the solvency of insurers while also making the policies they issue unaffordable for many people in disaster-prone regions of the state.

The Committee received insightful testimony from experts in the insurance industry and from independent insurance agents. Witnesses reported to the Committee that more frequent and severe extreme weather events, coupled with historically high levels of inflation, sky-high asset values and escalating reinsurance costs, have dramatically increased insurers' risk exposure. Consequently, the homeowner's policies insurers issue have dramatically increased in price, particularly for homeowners in areas with higher risk to flood events and hurricanes, threatening to make insurance unaffordability or outright unavailable for many New Yorkers. Witnesses recommended that the Committee report bills that enhance consumer education and awareness as to the provisions of their homeowners' policies, as well as legislation incentivizing consumers to take measures to make their properties more resilient to damage from extreme weather conditions.

Equipped with the valuable insights of our hearing witnesses, the Committee remains committed to developing and reporting legislation that seeks to keep insurance policies available, comprehensive, and affordable while ensuring the property and casualty insurance market remains robust, innovative, and competitive.

▪ OUTLOOK FOR 2024▪

Looking forward into the 2024 session, the Assembly Committee on Insurance will strive to continue developing and advancing legislation that safeguards and strengthens consumer protections, increases access to high quality and affordable insurance coverage and modernizes the Insurance Law to adapt to the rapid changes impacting the insurance industry and the wider economy.

In recent years, climate change has brought on an increase of extreme weather emergencies to the State. With increased frequency and impact of storms comes an increase in property damage and property damage claims. Massive storms and hurricanes have inflicted lasting damage on communities, businesses, and homeowners. The Committee will continue to review legislation to ensure protection of New Yorkers from unforeseen catastrophic events and engage with consumers, insurers, and regulators to learn from past experiences and to proactively prepare for future events.

**APPENDIX A
2023 SUMMARY SHEET**

SUMMARY OF ACTION ON ALL BILLS
REFERRED TO THE COMMITTEE ON

Insurance

TOTAL NUMBER OF COMMITTEE MEETINGS HELD 6

BILLS REPORTED FAVORABLE TO:

	<u>Assembly Bills</u>	<u>Senate Bills</u>	<u>Total Bills</u>
Codes	5	0	5
Judiciary	0	0	0
Ways and Means	11	1	12
Rules	34	0	34
Floor	17	0	17
TOTAL	67	1	68

COMMITTEE ACTION

Held for Consideration	1	0	1
Defeated	0	0	0
Enacting Clause Stricken	9	0	9
REMAINING IN COMMITTEE	251	24	275

BILLS REFERENCE CHANGED TO:

Ways and Means

TOTAL	2	0	2
--------------	----------	----------	----------

APPENDIX B CHAPTERS OF 2023

Bill/ Sponsor	Description	Final Action
A.1326/O'Donnell S.825/Hoylman-Sigal	Amended Chapter 721 of the Laws of 2022 to require large group health plans to provide coverage for pre-exposure prophylaxis (PrEP) and post-exposure prophylaxis (PEP) to prevent HIV infection.	Chapter 79 of the Laws of 2023
A.1975/Bronson S.1355/Kennedy	Amended Chapter 818 of the Laws of 2022 to remove references to creative arts therapists.	Chapter 62 of the Laws of 2023
A.2200/McDonald S.836/Breslin	Amended Chapter 826 of the Laws of 2022 to exempt Medicaid from the PRICE Act, which requires that real-time, patient specific, prescription drug out-of-pocket cost details be provided to the patient at the point of prescribing.	Chapter 63 of the Laws of 2023
A.2201/Cruz S.2228/Breslin	Provided technical amendments to Chapter 793 of the Laws of 2022 that amended provisions of the Insurance law requiring insurance policies and contracts that provide coverage for prescription drugs to include coverage of an additional thirty-day supply of a prescription drug during a state disaster emergency.	Chapter 64 of the Laws of 2023
A.2207/Eichenstein S.2231/Breslin	Amended Chapter 676 of the Laws of 2022 relating to insurance for victims of a hate crime. Chapter 676 of the Laws of 2022 prohibited an insurer from canceling, refusing to issue or renew, or increasing the premium of a policy solely on the basis that one or more claims have been made against any policy during the preceding sixty months for a loss that is the result of a hate crime. This Chapter amendment moves this protection to Article 34 of the Insurance law, adds that this protection applies to an independently owned and operated business entity that employs 100 or fewer employees, changes the term "offender" to "perpetrator", clarifies that this new law shall not prohibit an insurer from abiding by other sections of the Insurance law and provides a ninety-day effective date.	Chapter 65 of the Laws of 2023
A.2892/Bores S.833/Breslin	Amended Chapter 735 of the Laws of 2022 to implement a sunset of July 31, 2027 and postpone	Chapter 108 of the Laws of 2023

	the effective date to August 2023 to allow the DFS to put in place the necessary regulations.	
A.3693/Weprin S.1350/Rivera	Amended Chapter 736 of the Laws of 2022 to clarify which prescription drugs are required to have price reduction coupons count towards an insured's deductible or any cost-sharing requirement.	Chapter 117 of the Laws of 2023
A.4135/Weprin S.1319/Rivera	Amended Chapter 816 of the Laws of the 2022 to clarify the definition of medically-fragile children, require the use of specialized clinical standards for medically-fragile children by utilization review agents, mandate a statutory reimbursement rate to specialty care centers and authorize the DFS in consultations with the DOH to promulgate regulations regarding special considerations and processes for utilization review related to medically-fragile children.	Chapter 170 of the Laws of 2023
A.4984-B/Rosenthal D. S.4354-A/Breslin	Extended the enabling legislation for the Excess Line Association. This legislation also clarified the Excess Line Association's ability to inspect the records of its member brokers.	Chapter 550 of the Laws of 2023
A.5718-B/Kelles S.5959-B/Webb	Authorized not-for-profit RRGs not chartered or licensed in NYS to underwrite auto liability policies in New York.	Chapter 438 of the Laws of 2023
A.6164/Weprin S.3612/Breslin	Permitted financial guaranty insurers to underwrite a wider array of highly-rated government bonds in countries that belong to the Organisation for Economic Co-operation and Development (OECD).	Chapter 568 of the Laws of 2023
A.6347-B/Weprin S.2679-B/Breslin	Allowed for the merger of the Teachers Insurance and Annuity Association (TIAA), and the College Retirement Equities Fund (CREF).	Chapter 171 of the Laws of 2023
A.7038/Woerner S.3613/Breslin	Allowed grandfathered school districts with less than 100 employees to continue their participation in cheaper, experience-rated school district insurance consortiums.	Chapter 576 of the Laws of 2023
A.7255/Anderson S.7057/Breslin	Extended to July 1, 2028 the statutory clarification that the Medical Malpractice Insurance Pool (MMIP) is not required to offer a second layer of excess medical malpractice insurance coverage.	Chapter 156 of the Laws of 2023
A.7291/Steck S.7103/Breslin	Extended until June 30, 2027 provisions of the Insurance Law which permits certain qualified	Chapter 158 of the Laws of 2023

	insurers to write insurance without the DFS' prior approval of rates and forms and extended until June 30, 2025 provisions that extend the minimum surplus to policyholder ratio required of medical malpractice insurers.	
A.7352/Hunter S.7189/Breslin	Extended provisions of the property/casualty insurance availability act and the authority of the New York Property Insurance Underwriting Association.	Chapter 182 of the Laws of 2023
A.7356-A/Weprin S.7095-A/Breslin	Imposed an annual group capital calculation filing requirement and liquidity stress test on New York domiciled insurers that underwrite policies in the U.K. and E.U.	Chapter 344 of the Laws of 2023
A.7357/Taylor S.7157/Breslin	Extended until June 30, 2026, provisions that allow for the sale of supplemental uninsured/underinsured motorist insurance in an amount equal to the bodily injury limits of an insured's auto insurance policy.	Chapter 181 of the Laws of 2023
A.7542/Weprin S.7385/Sanders	Would allow certain entities in NYC to utilize owner controlled insurance policies (OCIPs) and contractor-controlled insurance policies (CCIPs).	Chapter 602 of the Laws of 2023

**APPENDIX C
BILLS REPORTED IN 2023**

Bill / Sponsor	Description	Last Action
A.125-B/Cruz No same as	Would allow renters to use alternative form of identifications when applying for renters insurance.	Reported to Rules
A.250-A/Magnarelli S.1466/Breslin	Would require insurance companies to pay out-of-network ambulance companies directly in the amount of the usual and customary charge when the insured has executed an assignment of benefits.	Signed Chapter 649 of the Laws of 2023
A.345-C/Burdick S.2330-B/Mayer	Would increase the disclosure requirements of insurers and the department of financial services to enrollees and policyholders of long-term care insurance.	Signed Chapter 655 of the Laws of 2023
A.463-A/McDonald S.2677-A/Breslin	Would require written notice of an adverse determination made by a utilization review agent in relation to a step therapy protocol override determination.	Passed Assembly
A.900-A/McDonald S.3592/Breslin	Would grant the Department of Financial Services the authority to permit mortgage guaranty insurers to withdraw funds from their contingency reserves if the superintendent determines the withdrawal shall not be harmful to policyholders.	Reported to Rules
A.1178/Jacobson S.439/Skoufis	Would require insurance policies covering police and fire vehicles to provide supplemental coverage for bodily injury sustained by an uninsured or an underinsured motorist when the policy includes such endorsement.	Passed Assembly
A.1326/O'Donnell S.825/Hoylman-Sigal	Required large group health plans to provide coverage for pre-exposure prophylaxis (PrEP) and post-exposure prophylaxis (PEP) to prevent HIV infection.	Signed Chapter 79 of the Laws of 2023
A.1673-A/Hunter S.1196-A/ Persaud	Would require state-regulated insurance plans to provide coverage for biomarker testing when medically appropriate.	Passed Assembly
A.1687/Rivera S.88/Ryan	Would prohibit insurers licensed to provide liability coverage to rental property owners from excluding coverage for losses caused by exposure to lead-based paint.	Passed Assembly

A.1707-A/Rosenthal D. S.599-A/Salazar	Would require manufacturers of prescription drugs with a cost of more than \$40 per course of treatment to provide a written notice the superintendent of the DFS at least sixty days prior to an increase of a drug's wholesale acquisition cost by more than 16%, including the intended increase and the cumulative increases that occurred during the 24 months prior to the increase.	Passed Assembly
A.1731/Dinowitz (no same as)	Would establish that it shall be an unfair claim settlement practice for an insurer to demand personal, financial and tax information while investigating a theft claim. The legislation would allow insurers to request personal, financial, and tax information if special articulable circumstances exist which directly relate to the particular, individual facts of such theft and which warrant the making of such demand for the specific purpose of determining if such claim is fraudulent.	Passed Assembly
A.1975/Bronson S.1355/Kennedy	Amended Chapter 818 of the Laws of 2022 to remove references to creative arts therapists.	Signed Chapter 62 of the Laws of 2023
A.2078/Stern S.5201/Skoufis	Would require insurers that write homeowners and certain commercial property and casualty insurance policies to begin investigating a claim arising from a declared disaster or emergency in accordance with timeframes and standards promulgated by the Superintendent of the DFS. In addition, this legislation would require that within fifteen business days of receiving all evidentiary items that the insurer requested from a claimant, the claim must be accepted or rejected, and the decision be issued in writing. A one-time extension of a claim by an insurer would be permissible. Any claim would have to be paid no later than three business days from settlement.	Passed Assembly
A.2198/Dinowitz S.824/Sanders	Amended Chapter 739 of the Laws of 2022 to require large group health plans to provide coverage for colorectal cancer screenings, examinations, and laboratory tests in accordance with the American Cancer Society Guidelines for colorectal cancer	Signed Chapter 78 of the Laws of 2023

	screening of average risk individuals with no cost-sharing requirement. The amendment also requires health insurers to notify enrollees at least annually of covered colorectal cancer screenings.	
A.2199/Stern A.811/Breslin	Provided technical amendments to Chapter 832 of the Laws of 2022 which provided that New York consumers have access to an array of annuity products, including participating deferred income annuities.	Signed Chapter 69 of the Laws of 2023
A.2200/McDonald S.836/Breslin	Amended Chapter 826 of the Laws of 2022 to exempt Medicaid from the PRICE Act, which requires that real-time, patient specific, prescription drug out-of-pocket cost details be provided to the patient at the point of prescribing.	Signed Chapter 63 of the Laws of 2023
A.2201/Cruz A.2228/Breslin	Provided technical amendments to Chapter 793 of the Laws of 2022 that amended provisions of the Insurance Law to require insurance policies and contracts that provide coverage for prescription drugs to include coverage of an additional thirty-day supply of a prescription drug during a state disaster emergency.	Signed Chapter 64 of the Laws of 2023
A.2202/Hunter S.1318/Breslin	Amended Chapter 833 of the Laws of 2022 to require retail and wholesale brokers to disclose the date of the declination on an excess line affidavit but no longer required brokers to record on the affidavit the name of the representative declining the risk, the representative's affiliation, or the reason for the declination.	Signed Chapter 93 of the Laws of 2023
A.2205/Cruz S.1330/Gounardes	Provided technical amendments to Chapter 665 of the Laws of 2022 that prohibited insurers from entering into contracts with certain anti-competitive clauses, such as "most-favored-nation" provisions, and required insurers to disclose the price information regarding negotiated rates and other discounts with health care providers.	Signed Chapter 95 of the Laws of 2023
A.2207/Eichenstein S.2231/Breslin	Amended Chapter 676 of the Laws of 2022 to move hate crime protections to Article 34 of the Insurance Law, add that these protections apply to an independently owned and operated business entity that employs 100 or fewer employees, change the	Signed Chapter 65 of the Laws of 2023

	term "offender" to "perpetrator", clarify that this new law shall not prohibit an insurer from abiding by other sections of the Insurance Law and provide a ninety-day effective date.	
A.2577/Hyndman S.2685/Breslin	Would require the DFS to issue a report to the Legislature by April 25, 2025 that investigates whether and to what extent minimum coverages for motor vehicle liability, uninsured motorist, and no-fault insurance limits should be increased, and the potential impact on premiums.	Reported to Ways and Means
A.2741/Paulin S.4228/Cooney	Requires insurers to provide policyholders with a document summarizing basic policy information when they purchase homeowners' insurance, renters, and non-commercial auto insurance policies. The document must state the coverage limits, term of the policy, annual premium, deductible amounts, and the principal exclusions from coverage. Such document would also need to include a disclaimer that the document is only a summary of the policy, that the amount and scope of coverage are determined only by the actual terms of the policy, and that if the policyholder has any questions, they should contact the insurer, or the agent or broker who sold the policy.	Passed Assembly
A.2811/Rosenthal, D. S.3547/Sanders	Would repeal a requirement that consumers seeking to purchase or renew policies covering multi-family dwellings in New York City complete an obsolete anti-arson application for their coverage to be effective.	Passed Assembly
A.2853-B/Meeke S.5890-A/Breslin	Would expressly permit life insurers, upon the consent of the insured, to offer wellness programs in conjunction with the issuance of life insurance policies.	Passed Assembly
A.2866/Pheffer Amato S.4199/Sanders	Would require the Superintendent of the DFS to promulgate regulations providing standards for hurricane windstorm deductibles which create, to the greatest extent possible, uniformity in the operation of such deductibles with respect to the triggering event.	Passed Assembly

A.2892/Bores S.833/Breslin	Amended Chapter 735 of the Laws of 2022 to implement a sunset of July 31, 2027 and postpone the effective date to August 2023 to allow the DFS to put in place the necessary regulations.	Signed Chapter 108 of the Laws of 2023
A.2898-A/Carroll S.5481-A/Hoylman-Sigal	Would require commercial insurance coverage of comprehensive neuropsychological examinations for the purposes of diagnosing dyslexia.	Passed Assembly
A.3172-A/Zebrowski S.5889/Breslin	Would allow an auto insurer to waive the requirement that an automobile be inspected prior to the issuance of a policy if such insurer has filed a statement of operation with the superintendent of the DFS.	Signed Chapter 638 of the Laws of 2023
A.3241/Paulin S.6652/Ramos	Would allow for a medical malpractice premium reduction for licensed midwives who complete risk management strategies courses in obstetrics or midwifery.	Advanced to Third Reading Calendar
A.3693/Weprin S.1350/Rivera	Amended Chapter 736 of the Laws of 2022 to clarify which prescription drugs are required to have price reduction coupons count towards an insured's deductible or any cost-sharing requirement.	Signed Chapter 117 of the Laws of 2023
A.4011/Weprin S.1472/Breslin	Would require the Superintendent of the DFS to promulgate regulations which provide standardized definitions for commonly used terms and phrases found in homeowners' policies and commercial lines policies that provide coverage for loss or damage to real property, personal property or other liabilities.	Passed Assembly
A.4135/Weprin S.1319/Rivera	Amended Chapter 816 of the Laws of the 2022 to clarify the definition of medically fragile children, require the use of specialized clinical standards for medically- fragile children by utilization review agents, mandate a statutory reimbursement rate to specialty care centers and authorize the DFS in consultations with the DOH to promulgate regulations regarding special considerations and processes for utilization review related to medically fragile children.	Signed Chapter 170 of the Laws of 2023
A.4599-A/Weprin S.2683-A/Breslin	Allowed charities to use a single table of unisex annuity rates used for payouts of charitable gift annuities.	Signed Chapter 584 of the Laws of 2023

A.4668-B/Weprin S.5764-B/Breslin	Would require insurance companies to check the driving history of a person before binding insurance to prevent the issuance of “bait and switch” low-priced policies.	Passed Assembly
A.4925/Hunter S.6827/Breslin	Would require that Federal Home Loan Bank (FHLB) receivers shall not void a transfer of money or other property, arising in connection with a federal home loan bank security agreement made before any formal proceedings and in compliance with the security agreement, unless such transfer was made with the intent to hinder, delay, or defraud the insurer-member, a receiver appointed for the insurer-member or existing/future creditors.	Passed Assembly
A.4984-B/Rosenthal D. S.4354-A/Breslin	Extended the enabling legislation for the Excess Line Association. This bill also clarified the Excess Line Association’s ability to inspect the records of its member brokers.	Signed Chapter 550 of the Laws of 2023
A.5129/Dinowitz S.6576/Comrie	Would require insurance coverage of services provided by a disaffiliated provider for one year following disaffiliation and until death if the insured has a terminal illness or condition.	Reported to Rules
A.5294/Anderson S.4862/Comrie	Would direct the Superintendent of the DFS to form a captive insurance program for commuter vans and create a commuter van trust fund.	Passed Assembly
A.5439/Barclay S.4381/Walczyk	Would require the DFS to post a statement related to flood insurance and contact information in newspapers that serve communities bordering Lake Ontario.	Passed Assembly
A.5646-A/Cook S.5591-A/Comrie	Provides that the award or decision of an arbitrator or master arbitrator rendered in a no-fault arbitration will not constitute a collateral estoppel of the issues arbitrated with respect to a serious personal injury.	Passed Assembly
A.5718-B/Kelles S.5959-B/Webb	Authorized not-for-profit RRGs not chartered or licensed in NYS to underwrite auto liability policies in New York.	Signed Chapter 438 of the Laws of 2023
A.5729-A/Paulin S.6164-A/Cleare	Would require commercial insurance coverage of tattooing of the nipple-areolar complex as a part of breast reconstruction surgery.	Passed Assembly
A.6164/Weprin S.3612/Breslin	Permitted financial guaranty insurers to underwrite a wider array of highly-rated government bonds in countries that belong to the Organisation for	Signed Chapter 568 of the Laws of 2023

	Economic Co-operation and Development (OECD).	
A.6347-B/Weprin S.2679-B/Breslin	Allowed for the merger of the Teachers Insurance and Annuity Association (TIAA), and the College Retirement Equities Fund (CREF).	Signed Chapter 171 of the Laws of 2023
A.7038/Woener S.3613/Breslin	Allows grandfathered school districts with less than 100 employees to continue their participation in cheaper, experience-rated school district insurance consortiums.	Signed Chapter 576 of the Laws of the 2023
A.7139/Weinstein S.1797/Ramos	Would grant claimants a private right of action to seek damages if their insurer unreasonably refuses to pay or unreasonably delays payment without substantial justification.	Reported to Rules
A.7255/Anderson S.7057/Breslin	Extended until July 1, 2028 the statutory clarification that the Medical Malpractice Insurance Pool (MMIP) is not required to offer a second layer of excess medical malpractice insurance coverage.	Signed Chapter 156 of the Laws of 2023
A.7291/Steck S.7103/Breslin	Extended until June 30, 2027 provisions of the Insurance Law which permits certain qualified insurers to write insurance without the DFS' prior approval of rates and forms and extended until June 30, 2025 provisions that extend the minimum surplus to policyholder ratio required of medical malpractice insurers.	Signed Chapter 158 of the Laws of 2023
A.7304-A/McDonald No same as	Would require pharmacy services administrative organizations, pharmacy switch companies and rebate aggregators to register with the DFS and provide certain disclosures relating to the ownership and activities of such entities.	Reported to Codes
A.7352/Hunter S.7189/Breslin	Extended provisions of the property/casualty insurance availability act and the authority of the New York Property Insurance Underwriting Association.	Signed Chapter 182 of the Laws of 2023
A.7356-A/Weprin S.7095-A/Breslin	Imposed an annual group capital calculation filing requirement and liquidity stress test on New York domiciled insurers that underwrite policies in the U.K. and E.U.	Signed Chapter 344 of the Laws of 2023
A.7357/Taylor S.7157/Breslin	Extended until June 30, 2026, provisions that allow for the sale of supplemental uninsured/underinsured motorist insurance in an amount equal to the bodily injury limits of an insured's auto insurance policy.	Signed Chapter 181 of the Laws of 2023

A.7542/Weprin S.7385/Sanders	Would allow certain entities in NYC to utilize owner controlled insurance policies (OCIPs) and contractor-controlled insurance policies (CCIPs).	Signed Chapter 602 of the Laws of 2023
---------------------------------	--	--

**APPENDIX D
BILLS VETOED IN 2023**

Bill/ Sponsor	Description	Final Action
A.5294/ Anderson S.4862/ Comrie	Would direct the Superintendent of the DFS to form a captive insurance program for commuter vans and create a commuter van trust fund.	Veto Memo #136