

NYA AFF

New York Attorneys for Adoption & Family Formation



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May 26, 2026

TO: Assemblymember Carl E. Heastie
Speaker of the New York State Assembly
speaker@nyassembly.gov

Assemblymember David I. Weprin
Chair, Committee on Insurance
WeprinD@nyassembly.gov

Re: A 885/S 8866 – Equity in Fertility Treatment Act

Dear Legislators:

We are writing to you today on behalf of the members of New York Attorneys for Adoption & Family Formation (NYA AFF), an association of attorneys dedicated to shaping the future of adoption, assisted reproduction and child welfare in New York (<https://nyaaff.com/>). Many of our attorneys devote a large portion of their practices to working with Gestational Surrogates and Intended Parents on the legal aspects involved in Gestational Surrogacy Arrangements, and several of our members were instrumental in the drafting of the legislation that ultimately became the New York Child Parent Security Act (enacted February 15, 2021) as well as the later revisions adopted in December 2024. We advocate in the New York courts and legislature for the rights, dignity and legal security of all children and families formed through assisted reproduction and adoption.

This letter is respectfully submitted in support of A 885/S 8866 to amend the New York State insurance law regarding health insurance coverage for the treatment of infertility.

In 2019, New York State established a requirement for insurance companies to cover three cycles of in-vitro fertilization (IVF) under certain circumstances. This legislation was intended to expand coverage of family building options, like IVF coverage, to New Yorkers regardless of their sexual orientation. While the 2019 legislation afforded coverage to couples where one of the partners is

using IVF, the law inadvertently left out those who require donor gametes as part of their IVF process. This omission excluded people unable to produce healthy eggs, and gay men.

Additionally, the original 2019 legislation intended to cover three completed cycles of IVF where one complete cycle begins with either hormone treatment or retrieval, depending on the needs of the parents, and ends with transfer. However, currently, insurance companies have interpreted a complete cycle of IVF to be only one phase of the process. For example, insurers have interpreted retrieval as one completed cycle and transfer as another completed cycle. This interpretation cuts in half the amount of coverage available. As a result, some couples are left to pay out of pocket when additional cycles of IVF are needed, and others must stop their IVF journey entirely as they cannot afford the care.

This legislation will ensure that the 2019 law is implemented as intended by requiring coverage of donor cycles and explicitly stating that coverage will be provided for three full rounds of IVF, each including a completed egg retrieval and the process of in-vitro fertilization with unlimited embryo transfers from fresh or frozen embryos created from a covered retrieval. This legislation will ensure more comprehensive coverage for those who wish to become parents through IVF.

We encourage your offices to support this important piece of legislation. Please contact the Co-Presidents of our organization, Rebecca L. Mendel and/or Laurie B. Goldheim (rmendel@lawrsm.com; lgoldheim@adoptionrights.com) to discuss how NYAAFF can be involved in this important conversation. Thank you for your time and attention.

New York Attorneys for Adoption & Family Formation

Rebecca L. Mendel and *Laurie B. Goldheim*

By: Rebecca L. Mendel, Esq.
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Co-Presidents