

STATE OF NEW YORK

8655

2019-2020 Regular Sessions

IN ASSEMBLY

October 2, 2019

Introduced by M. of A. SANTABARBARA -- read once and referred to the Committee on Health

AN ACT to amend the public health law, in relation to providing drug screening for certain children; and to amend the insurance law, in relation to providing coverage for such drug screening

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

1 Section 1. The public health law is amended by adding a new section
2 2509-a to read as follows:

3 § 2509-a. Drug screening for certain children. 1. Every child twelve
4 years of age or older but younger than nineteen years of age shall as
5 part of his or her annual physical provided by a health care profes-
6 sional, be screened for the use of drugs. Drugs that shall be screened
7 for under this section shall be determined by the commissioner. For
8 purposes of this section the term "health care professional" shall mean
9 a health care professional appropriately licensed, registered or certi-
10 fied pursuant to title eight of the education law.

11 2. A positive result to any test received under subdivision one of
12 this section shall not be required to be reported by a health care
13 professional pursuant to title six of article six of the social services
14 law in the absence of evidence that such child has otherwise been the
15 subject of neglect or abuse.

16 3. The results of any test received under subdivision one of this
17 section shall be provided to the child and to the parent or guardian of
18 such child.

19 4. The records of any test received under subdivision one of this
20 section shall be destroyed upon the child's nineteenth birthday.

21 § 2. Subsection (i) of section 3216 of the insurance law is amended by
22 adding a new paragraph 36 to read as follows:

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

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1 (36)(A) Every health insurance policy issued or delivered in this
2 state shall provide coverage for drug screening as authorized pursuant
3 to section two thousand five hundred nine-a of the public health law.

4 (B) Coverage provided pursuant to this paragraph shall not be subject
5 to deductibles, coinsurance, or copayments.

6 (C) Any reimbursement made pursuant to this paragraph to a health care
7 provider shall be made without disclosure to any party of the results of
8 such drug screening. Disclosure of the results may only be made with the
9 written consent of the parent of such child.

10 § 3. Section 3221 of the insurance law is amended by adding a new
11 subsection (u) to read as follows:

12 (u)(1) Every health insurance policy issued or delivered in this state
13 shall provide coverage for drug screening as authorized pursuant to
14 section two thousand five hundred nine-a of the public health law.

15 (2) Coverage provided pursuant to this subsection shall not be subject
16 to deductibles, coinsurance, or copayments.

17 (3) Any reimbursement made pursuant to this subsection to a health
18 care provider shall be made without disclosure to any party of the
19 results of such drug screening. Disclosure of the results may only be
20 made with the written consent of the parent of such child.

21 § 4. Section 4303 of the insurance law is amended by adding a new
22 subsection (ss) to read as follows:

23 (ss)(1) Every health insurance policy issued or delivered in this
24 state shall provide coverage for drug screening as authorized pursuant
25 to section two thousand five hundred nine-a of the public health law.

26 (2) Coverage provided pursuant to this subsection shall not be subject
27 to deductibles, coinsurance, or copayments.

28 (3) Any reimbursement made pursuant to this subsection to a health
29 care provider shall be made without disclosure to any party of the
30 results of such drug screening. Disclosure of the results may only be
31 made with the written consent of the parent of such child.

32 § 5. This act shall take effect on the ninetieth day after it shall
33 have become a law and the provisions of sections two, three and four of
34 this act shall apply to all policies issued, modified or renewed on or
35 after such date.