

STATE OF NEW YORK

1326

2023-2024 Regular Sessions

IN ASSEMBLY

January 17, 2023

Introduced by M. of A. O'DONNELL -- read once and referred to the Committee on Insurance

AN ACT to amend the insurance law, in relation to applying coverage requirements for pre-exposure prophylaxis and post-exposure prophylaxis to prevent HIV infection to every large group policy which provides medical, major medical, or comprehensive-type coverage, and repealing certain provisions of such law relating thereto; and to amend a chapter of the laws of 2022 amending the insurance law relating to requiring insurance coverage for pre-exposure prophylaxis and post-exposure prophylaxis to prevent HIV infection, as proposed in legislative bills numbers S. 688 and A. 807, in relation to the effectiveness thereof

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

Section 1. Paragraph 21 of subsection (l) of section 3221 of the insurance law, as added by a chapter of the laws of 2022 amending the insurance law relating to requiring insurance coverage for pre-exposure prophylaxis and post-exposure prophylaxis to prevent HIV infection, as proposed in legislative bills numbers S. 688 and A. 807, is amended to read as follows:

(21) Every large group policy which provides medical, major medical, or comprehensive-type coverage [~~for prescription drugs~~] shall include coverage for the cost of pre-exposure prophylaxis (PrEP) for the prevention of HIV and post-exposure prophylaxis to prevent HIV infection. Such coverage may be subject to annual deductibles and coinsurance as may be deemed appropriate by the superintendent and as are consistent with those established for other benefits within a given policy, unless the pre-exposure prophylaxis (PrEP) or post-exposure prophylaxis has in effect a rating of 'A' or 'B' in the current recommendations of the United States preventive services task force.

§ 2. Subsection (ss) of section 4303 of the insurance law, as added by a chapter of the laws of 2022 amending the insurance law relating to

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

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1 requiring insurance coverage for pre-exposure prophylaxis and post-expo-
2 sure prophylaxis to prevent HIV infection, as proposed in legislative
3 bills numbers S. 688 and A. 807, is amended to read as follows:

4 ~~[(ss)]~~(tt) Every large group contract issued by a hospital services
5 corporation or a health services corporation which provides medical,
6 major medical, or comprehensive-type coverage ~~[for prescription drugs]~~
7 shall include coverage for the cost of pre-exposure prophylaxis (PrEP)
8 for the prevention of HIV and post-exposure prophylaxis to prevent HIV
9 infection. Such coverage may be subject to annual deductibles and coin-
10 insurance as may be deemed appropriate by the superintendent and as are
11 consistent with those established for other benefits within a given
12 contract, unless the pre-exposure prophylaxis (PrEP) or post-exposure
13 prophylaxis has in effect a rating of 'A' or 'B' in the current recom-
14 mendations of the United States preventive services task force.

15 § 3. Paragraph 36 of subsection (i) of section 3216 of the insurance
16 law, as added by a chapter of the laws of 2022 amending the insurance
17 law relating to requiring insurance coverage for pre-exposure prophylax-
18 is and post-exposure prophylaxis to prevent HIV infection, as proposed
19 in legislative bills numbers S. 688 and A. 807, is REPEALED.

20 § 4. Section 4 of a chapter of the laws of 2022 amending the insurance
21 law relating to requiring insurance coverage for pre-exposure prophylax-
22 is and post-exposure prophylaxis to prevent HIV infection, as proposed
23 in legislative bills numbers S. 688 and A. 807, is amended to read as
24 follows:

25 § 4. This act shall take effect immediately and shall apply to all
26 policies and contracts issued, renewed, modified, altered, or amended on
27 or after such date.

28 § 5. This act shall take effect immediately and shall apply to all
29 policies and contracts issued, renewed, modified, altered, or amended on
30 or after such date.