

# STATE OF NEW YORK

6059

2023-2024 Regular Sessions

## IN ASSEMBLY

March 31, 2023

Introduced by M. of A. SIMONE, BRONSON, COLTON, COOK, CRUZ, GLICK, GUNTHER, HEVESI, McDONOUGH, REYES, SAYEGH, SEAWRIGHT, SIMON, TAYLOR, THIELE, WOERNER, MAGNARELLI, D. ROSENTHAL, JACOBSON, HUNTER -- read once and referred to the Committee on Insurance

AN ACT to amend the public health law and the insurance law, in relation to prohibiting health insurers from requiring prior authorization for pre-exposure prophylaxis used to prevent HIV infection

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

1 Section 1. Section 4406-c of the public health law is amended by  
2 adding a new subdivision 13 to read as follows:

3 13. A health care plan which provides prescription drug coverage shall  
4 not require a prior authorization determination for pre-exposure prophylaxis  
5 used to prevent HIV infection. Nothing in this subdivision shall  
6 prohibit a health care plan from denying a claim for such services if  
7 the services are subsequently determined not medically necessary.

8 § 2. Section 3217-b of the insurance law is amended by adding a new  
9 subsection (p) to read as follows:

10 (p) An insurer which provides prescription drug coverage shall not  
11 require a prior authorization determination for pre-exposure prophylaxis  
12 used to prevent HIV infection. Nothing in this subsection shall prohibit  
13 an insurer from denying a claim for such services if the services are  
14 subsequently determined not medically necessary.

15 § 3. Section 4325 of the insurance law is amended by adding a new  
16 subsection (p) to read as follows:

17 (p) A corporation organized under this article which provides  
18 prescription drug coverage shall not require a prior authorization  
19 determination for pre-exposure prophylaxis used to prevent HIV  
20 infection. Nothing in this subsection shall prohibit a corporation  
21 organized under this article from denying a claim for such services if  
22 the services are subsequently determined not medically necessary.

23 § 4. This act shall take effect on the one hundred eightieth day after  
24 it shall have become a law.

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

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