STATE OF NEW YORK

7114--A

2023-2024 Regular Sessions

IN SENATE

May 18, 2023

Introduced by Sens. RIVERA, CLEARE, COONEY, GOUNARDES, HARCKHAM, JACKSON, WEBB -- read twice and ordered printed, and when printed to be committed to the Committee on Insurance -- recommitted to the Committee on Insurance in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the insurance law, in relation to requiring health insurance plans to provide coverage for epinephrine auto-injector devices

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

Section 1. Subsection (i) of section 3216 of the insurance law is amended by adding a new paragraph 39 to read as follows:

(39) (A) Every insurer issuing a policy of accident and health insurance delivered or issued for delivery in this state which provides major medical or similar comprehensive-type coverage shall include coverage for, at a minimum, two medically necessary epinephrine auto-injector devices for the emergency treatment of life-threatening allergic reactions. 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; provided however, the total amount that a covered person is required to pay out-of-pocket for such devices shall be capped at an amount not to exceed one hundred dollars annually regardless of the insured's deductible, copayment, coinsurance or any other cost-sharing requirement. If under federal law, application of this requirement would result in health savings account ineligibility under 26 USC 223, this requirement shall apply for health savings account-qualified high deductible health plans with respect to the deductible of such a plan after the enrollee has satisfied the minimum deductible under 26 USC 223, except for with respect to items or

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

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services that are preventive care pursuant to 26 USC 223(c)(2)(C), in which case the requirements of this paragraph shall apply regardless of whether the minimum deductible under 26 USC 223 has been satisfied.

(B) For the purposes of this paragraph, "epinephrine auto-injector device" shall have the same meaning as provided in paragraph (b) of subdivision one of section three thousand-c of the public health law.

§ 2. Subsection (k) of section 3221 of the insurance law is amended by adding a new paragraph 23 to read as follows:

(23) (A) Every group or blanket policy of accident and health insurance delivered or issued for delivery in this state which provides medical coverage that includes coverage for physician services in a physician's office and every policy which provides major medical or similar comprehensive-type coverage shall provide coverage for, at a minimum, two medically necessary epinephrine auto-injector devices for the emergency treatment of life-threatening allergic reactions. 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; provided however, the total amount that a covered person is required to pay out-of-pocket for such devices shall be capped at an amount not to exceed one hundred dollars annually regardless of the insured's deductible, copayment, coinsurance or any other cost-sharing requirement. If under federal law, application of this requirement would result in health savings account ineligibility under 26 USC 223, this requirement shall apply for health savings account-qualified high deductible health plans with respect to the deductible of such a plan after the enrollee has satisfied the minimum deductible under 26 USC 223, except for with respect to items or services that are preventive care pursuant to 26 USC 223(c)(2)(C), in which case the requirements of this paragraph shall apply regardless of whether the minimum deductible under 26 USC 223 has been satisfied.

(B) For the purposes of this paragraph, "epinephrine auto-injector device" shall have the same meaning as provided in paragraph (b) of subdivision one of section three thousand-c of the public health law.

§ 3. Section 4303 of the insurance law is amended by adding a new subsection (vv) to read as follows:

(vv) (1) Every medical expense indemnity corporation, hospital service corporation and health service corporation which provides medical coverage that includes coverage for physician services in a physician's office and every policy which provides major medical or similar comprehensive-type coverage shall provide coverage for, at a minimum, two medically necessary epinephrine auto-injector devices for the emergency treatment of life-threatening allergic reactions. 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; provided however, the total amount that a covered person is required to pay out-of-pocket for such devices shall be capped at an amount not to exceed one hundred dollars annually regardless of the insured's deductible, copayment, coinsurance or any other cost-sharing requirement. If under federal law, application of this requirement would result in health savings account ineligibility under 26 USC 223, this requirement shall apply for health savings account-qualified high deductible health plans with respect to the deductible of such a plan after the enrollee has satisfied the minimum deductible under 26 USC 223, except for with respect to items or services that are preventive care

pursuant to 26 USC 223(c)(2)(C), in which case the requirements of this paragraph shall apply regardless of whether the minimum deductible under 26 USC 223 has been satisfied.

(2) For the purposes of this subsection, "epinephrine auto-injector device" shall have the same meaning as provided in paragraph (b) of subdivision one of section three thousand-c of the public health law.

§ 4. This act shall take effect January 1, 2026 and shall apply to all policies and contracts issued, renewed, modified, altered or amended on or after such date.