

# STATE OF NEW YORK

7262

2025-2026 Regular Sessions

## IN ASSEMBLY

March 21, 2025

Introduced by M. of A. BICHOTTE HERMELYN, LEVENBERG, SEAWRIGHT, EPSTEIN, HYNDMAN, SIMON, LUCAS, ZACCARO, DAVILA, LUNSFORD -- read once and referred to the Committee on Health

AN ACT to amend the social services law, in relation to medical assistance eligibility of infants up to the age of three years

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

1 Section 1. Subparagraphs 2 and 3 of paragraph (b) of subdivision 1 of  
2 section 366 of the social services law, as added by section 1 of part D  
3 of chapter 56 of the laws of 2013, are amended to read as follows:

4 (2) A pregnant [~~woman~~] person or an infant younger than [~~one-year~~]  
5 three years of age is eligible for standard coverage if [~~his-or-her~~] the  
6 MAGI household income does not exceed the MAGI-equivalent of two hundred  
7 percent of the federal poverty line for the applicable family size,  
8 which shall be calculated in accordance with guidance issued by the  
9 secretary of the United States department of health and human services,  
10 or an infant younger than [~~one-year~~] three years of age who meets the  
11 presumptive eligibility requirements of subdivision four of section  
12 three hundred sixty-four-i of this title.

13 (3) A child who is at least [~~one-year~~] three years of age but younger  
14 than nineteen years of age is eligible for standard coverage if [~~his-or~~  
15 ~~her~~] the MAGI household income does not exceed the MAGI-equivalent of  
16 one hundred thirty-three percent of the federal poverty line for the  
17 applicable family size, which shall be calculated in accordance with  
18 guidance issued by the Secretary of the United States department of  
19 health and human services, or a child who is at least [~~one-year~~] three  
20 years of age but younger than nineteen years of age who meets the  
21 presumptive eligibility requirements of subdivision four of section  
22 three hundred sixty-four-i of this title.

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

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1 § 2. Subparagraphs 2 and 4 of paragraph (b) of subdivision 4 of  
2 section 366 of the social services law, as added by section 2 of part D  
3 of chapter 56 of the laws of 2013, are amended to read as follows:

4 (2) A child born to a [~~woman~~] gestational parent eligible for and  
5 receiving medical assistance on the date of the child's birth shall be  
6 deemed to have applied for medical assistance and to have been found  
7 eligible for such assistance on the date of such birth and to remain  
8 eligible for such assistance for a period of [~~one-year~~] three years, so  
9 long as the child is a member of the [~~woman's~~] gestational parent's  
10 household and the [~~woman~~] gestational parent remains eligible for such  
11 assistance or would remain eligible for such assistance if [~~she~~] the  
12 gestational parent were pregnant.

13 (4) An infant eligible under subparagraph two or four of paragraph (b)  
14 of subdivision one of this section who is receiving medically necessary  
15 in-patient services for which medical assistance is provided on the date  
16 the child attains [~~one-year~~] three years of age, and who, but for  
17 attaining such age, would remain eligible for medical assistance under  
18 such subparagraph, shall continue to remain eligible until the end of  
19 the stay for which in-patient services are being furnished.

20 § 3. This act shall take effect on the one hundred eightieth day after  
21 it shall have become a law. Effective immediately, the commissioner of  
22 health shall make regulations and take actions reasonably necessary to  
23 implement this act on that date, including taking all steps necessary  
24 and using best efforts to secure federal financial participation  
25 for eligible beneficiaries under title XIX of the social security act,  
26 for the purposes of this act, including the prompt submission of  
27 appropriate amendments to the medical assistance state plan.