

STATE OF NEW YORK

1758--A

2025-2026 Regular Sessions

IN SENATE

January 13, 2025

Introduced by Sens. PERSAUD, FAHY -- read twice and ordered printed, and when printed to be committed to the Committee on Health -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the social services law, in relation to allowing for certain disability benefits to continue in the event an individual who is receiving such benefits gets married

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

1 Section 1. Clause (iv) of subparagraph 5 of paragraph (a) of subdivi-
2 sion 1 of section 366 of the social services law, as added by section 1
3 of part D of chapter 56 of the laws of 2013, is amended to read as
4 follows:

5 (iv) Married couples. In the case of a married couple living together,
6 each spouse will be included in the household of the other spouse,
7 regardless of whether they expect to file a joint tax return under
8 section six thousand thirteen of the internal revenue code or whether
9 one spouse expects to be claimed as a tax dependent by the other spouse.
10 Provided, however, that for purposes of eligibility determination under
11 subparagraphs five and six of paragraph (c) of this subdivision, a
12 spouse shall not be included in the household of the other spouse if one
13 spouse is disabled and receiving benefits as an unmarried individual and
14 as a result of getting married would no longer be eligible to receive
15 such benefits. For purposes of this clause, disabled means having a
16 medically determinable impairment of sufficient severity and duration
17 to qualify for benefits under section 1902(a)(10)(A)(ii)(xv) of the
18 Social Security Act.

19 § 2. Subdivision 12 of section 367-a of the social services law, as
20 amended by section 42 of part B of chapter 57 of the laws of 2015, is
21 amended 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 12. (a) Prior to receiving medical assistance under subparagraphs five
2 and six of paragraph (c) of subdivision one of section three hundred
3 sixty-six of this title, a person whose net available income is at least
4 one hundred fifty percent of the applicable federal income official
5 poverty line, as defined and updated by the United States department of
6 health and human services, must pay a monthly premium, in accordance
7 with a procedure to be established by the commissioner. The amount of
8 such premium shall be twenty-five dollars for an individual who is
9 otherwise eligible for medical assistance under such subparagraphs, and
10 fifty dollars for a couple, both of whom are otherwise eligible for
11 medical assistance under such subparagraphs. No premium shall be
12 required from a person whose net available income is less than one
13 hundred fifty percent of the applicable federal income official poverty
14 line, as defined and updated by the United States department of health
15 and human services.

16 (b) Any unmarried individual who is disabled and receiving medical
17 assistance under subparagraphs five and six of paragraph (c) of subdivi-
18 sion one of section three hundred sixty-six of this title at the time
19 such unmarried individual becomes a married individual shall continue to
20 pay the monthly premium individual rate, if such unmarried individual
21 marries an individual who is otherwise not eligible for medical assist-
22 ance under such subparagraphs, so long as such individual continues to
23 satisfy the necessary criteria described in such subparagraphs as if
24 such individual were an unmarried individual. For purposes of this
25 subdivision, disabled means having a medically determinable impairment
26 of sufficient severity and duration to qualify for benefits under
27 section 1902(a)(10)(A)(ii)(xv) of the Social Security Act.

28 § 3. The social services law is amended by adding a new section 366-j
29 to read as follows:

30 § 366-j. Retention of disability benefits for certain married individ-
31 uals. Notwithstanding any law, rule or regulation to the contrary, any
32 unmarried individual who is entitled to and currently receiving medical
33 assistance benefits under this title based on a disability, who would
34 become ineligible to continue receiving such medical assistance benefits
35 if such unmarried individual were married, shall remain eligible for
36 such benefits if such unmarried individual chooses to marry so long as
37 such individual continues to satisfy the criteria to be eligible for
38 such benefits as if such individual were an unmarried individual.

39 § 4. This act shall take effect immediately.