S T A T E O F N E W Y O R K

693

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. JACOBS, DINOWITZ, ORTIZ, COLTON, HIKIND, CAHILL, McENENY -- Multi-Sponsored by -- M. of A. EDDINGTON, LIFTON, REILLY, TOWNS, WEISENBERG -- read once and referred to the Committee on Insurance

AN ACT to amend the insurance law, in relation to coverage for treatment of smoking cessation

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. Section 4303 of the insurance law is amended by adding a new subsection (l-1) to read as follows:

(L-1) A HOSPITAL SERVICE CORPORATION OR A HEALTH SERVICE CORPORATION WHICH PROVIDES GROUP, GROUP REMITTANCE OR SCHOOL BLANKET COVERAGE FOR INPATIENT HOSPITAL CARE SHALL PROVIDE COVERAGE FOR COSTS OF PRESCRIPTION SMOKING CESSATION TREATMENT THAT IS ORDERED BY A PHYSICIAN. SUCH TREATMENT MAY BE LIMITED TO FOUR HUNDRED DOLLARS PER YEAR FOR EACH COVERED INDIVIDUAL. THIS PROVISION SHALL NOT APPLY TO A CONTRACT ISSUED PURSUANT TO SECTION FOUR THOUSAND THREE HUNDRED FIVE OF THIS ARTICLE WHICH COVERS PERSONS EMPLOYED IN MORE THAN ONE STATE OR THE BENEFIT STRUCTURE OF WHICH WAS THE SUBJECT OF COLLECTIVE BARGAINING AFFECTING PERSONS WHO ARE EMPLOYED IN MORE THAN ONE STATE. SUCH COVERAGE MAY BE SUBJECT TO ANNUAL DEDUCTIBLES AND CO-INSURANCE AS MAY BE DEEMED APPROPRIATE BY THE SUPERINTENDENT AND ARE CONSISTENT WITH THOSE IMPOSED ON OTHER BENEFITS WITHIN A GIVEN POLICY. SUCH COVERAGE SHALL NOT REPLACE, RESTRICT OR ELIMINATE EXISTING COVERAGE PROVIDED BY THE POLICY.

S 2. Subsection (i) of section 3216 of the insurance law is amended by adding a new paragraph 26 to read as follows:

(26) EVERY POLICY SHALL PROVIDE COVERAGE FOR COSTS OF PRESCRIPTION SMOKING CESSATION TREATMENT THAT IS ORDERED BY A PHYSICIAN. SUCH COVERAGE MAY BE LIMITED TO FOUR HUNDRED DOLLARS PER YEAR FOR EACH COVERED INDIVIDUAL.

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

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S 3. Subsection (1) of section 3221 of the insurance law is amended by adding a new paragraph 18 to read as follows:

(18) EVERY GROUP OR BLANKET POLICY DELIVERED OR ISSUED FOR DELIVERY IN THIS STATE WHICH PROVIDES HOSPITAL, SURGICAL OR MEDICAL COVERAGE SHALL PROVIDE COVERAGE FOR COSTS OF PRESCRIPTION SMOKING CESSATION TREATMENT THAT IS ORDERED BY A PHYSICIAN. SUCH COVERAGE MAY BE LIMITED TO FOUR HUNDRED DOLLARS FOR EACH COVERED INDIVIDUAL.

S 4. This act shall take effect on the one hundred eightieth day after it shall have become a law and shall apply to all policies and contracts issued, renewed, modified, altered or amended on or after such date; except that any rules and regulations necessary to implement the provisions of this act are authorized and directed to be promulgated, amended or repealed on or before such effective date.