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

7779

2011-2012 Regular Sessions

I N A S S E M B L Y

May 17, 2011

Introduced by M. of A. SILVER -- read once and referred to the Committee on Insurance

AN ACT to amend the insurance law, in relation to the purchase of prescription drugs

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 13-a to read as follows:

(13-A) EVERY POLICY THAT PROVIDES COVERAGE FOR PRESCRIPTION FERTILITY DRUGS AND REQUIRES OR PERMITS PRESCRIPTION DRUGS TO BE PURCHASED THROUGH A MAIL ORDER PHARMACY SHALL PROVIDE THE SAME COVERAGE FOR PRESCRIPTION FERTILITY DRUGS WHEN SUCH DRUGS ARE PURCHASED FROM A PHARMACY THAT IS NOT A MAIL ORDER PHARMACY. SUCH POLICY SHALL NOT IMPOSE ANY ADDITIONAL FEE, CO-PAYMENT, CO-INSURANCE, DEDUCTIBLE OR OTHER CONDITION ON ANY INSURED WHO DOES NOT ELECT TO PURCHASE PRESCRIPTION FERTILITY DRUGS THROUGH A MAIL ORDER PHARMACY.

S 2. Paragraph 6 of subsection (k) of section 3221 of the insurance law is amended by adding a new subparagraph (D) to read as follows:

(D) EVERY POLICY THAT PROVIDES COVERAGE FOR PRESCRIPTION FERTILITY DRUGS AND REQUIRES OR PERMITS PRESCRIPTION DRUGS TO BE PURCHASED THROUGH A MAIL ORDER PHARMACY SHALL PROVIDE THE SAME COVERAGE FOR PRESCRIPTION FERTILITY DRUGS WHEN SUCH DRUGS ARE PURCHASED FROM A PHARMACY THAT IS NOT A MAIL ORDER PHARMACY. SUCH POLICY SHALL NOT IMPOSE ANY ADDITIONAL FEE, CO-PAYMENT, CO-INSURANCE, DEDUCTIBLE OR OTHER CONDITION ON ANY COVERED PERSON WHO DOES NOT ELECT TO PURCHASE PRESCRIPTION FERTILITY DRUGS THROUGH A MAIL ORDER PHARMACY.

S 3. Subsection (s) of section 4303 of the insurance law, as amended by section 2 of part K of chapter 82 of the laws of 2002, is amended by adding a new paragraph 4 to read as follows:

(4) EVERY POLICY ISSUED BY A MEDICAL EXPENSE INDEMNITY CORPORATION, A HOSPITAL SERVICE CORPORATION OR A HEALTH SERVICES CORPORATION THAT

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

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PROVIDES COVERAGE FOR PRESCRIPTION FERTILITY DRUGS AND REQUIRES OR PERMITS PRESCRIPTION DRUGS TO BE PURCHASED THROUGH A MAIL ORDER PHARMACY SHALL PROVIDE THE SAME COVERAGE FOR PRESCRIPTION FERTILITY DRUGS WHEN SUCH DRUGS ARE PURCHASED FROM A PHARMACY THAT IS NOT A MAIL ORDER PHARMACY. SUCH POLICY SHALL NOT IMPOSE ANY ADDITIONAL FEE, CO-PAYMENT, CO-INSURANCE, DEDUCTIBLE OR OTHER CONDITION ON ANY COVERED PERSON WHO DOES NOT ELECT TO PURCHASE PRESCRIPTION FERTILITY DRUGS THROUGH A MAIL ORDER PHARMACY.

S 4. If any clause, subparagraph, subsection, section or other part of this act, or the application thereof be held to be invalid, such holding shall not affect, impair or invalidate the remainder of this act, or the application of such section or part of a section held invalid.

S 5. This act shall take effect on the thirtieth 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 effective date.