

3778

2013-2014 Regular Sessions

I N   A S S E M B L Y

January 29, 2013

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Introduced by M. of A. JACOBS, DINOWITZ, ORTIZ, COLTON, HIKIND, CAHILL,  
TITONE -- Multi-Sponsored by -- M. of A. LIFTON, 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 ASSEM-  
BLY, DO ENACT AS FOLLOWS:

1     Section 1. Section 4303 of the insurance law is amended by adding a  
2 new subsection (l-1) to read as follows:  
3     (L-1) A HOSPITAL SERVICE CORPORATION OR A HEALTH SERVICE CORPORATION  
4 WHICH PROVIDES GROUP, GROUP REMITTANCE OR SCHOOL BLANKET COVERAGE FOR  
5 INPATIENT HOSPITAL CARE SHALL PROVIDE COVERAGE FOR COSTS OF PRESCRIPTION  
6 SMOKING CESSATION TREATMENT THAT IS ORDERED BY A PHYSICIAN. SUCH TREAT-  
7 MENT MAY BE LIMITED TO FOUR HUNDRED DOLLARS PER YEAR FOR EACH COVERED  
8 INDIVIDUAL. THIS PROVISION SHALL NOT APPLY TO A CONTRACT ISSUED PURSUANT  
9 TO SECTION FOUR THOUSAND THREE HUNDRED FIVE OF THIS ARTICLE WHICH COVERS  
10 PERSONS EMPLOYED IN MORE THAN ONE STATE OR THE BENEFIT STRUCTURE OF  
11 WHICH WAS THE SUBJECT OF COLLECTIVE BARGAINING AFFECTING PERSONS WHO ARE  
12 EMPLOYED IN MORE THAN ONE STATE. SUCH COVERAGE MAY BE SUBJECT TO ANNUAL  
13 DEDUCTIBLES AND CO-INSURANCE AS MAY BE DEEMED APPROPRIATE BY THE SUPER-  
14 INTENDENT AND ARE CONSISTENT WITH THOSE IMPOSED ON OTHER BENEFITS WITHIN  
15 A GIVEN POLICY. SUCH COVERAGE SHALL NOT REPLACE, RESTRICT OR ELIMINATE  
16 EXISTING COVERAGE PROVIDED BY THE POLICY.  
17     S 2. Subsection (i) of section 3216 of the insurance law is amended by  
18 adding a new paragraph 30 to read as follows:  
19     (30) EVERY POLICY SHALL PROVIDE COVERAGE FOR COSTS OF PRESCRIPTION  
20 SMOKING CESSATION TREATMENT THAT IS ORDERED BY A PHYSICIAN. SUCH COVER-  
21 AGE MAY BE LIMITED TO FOUR HUNDRED DOLLARS PER YEAR FOR EACH COVERED  
22 INDIVIDUAL.  
23     S 3. Subsection (1) of section 3221 of the insurance law is amended by  
24 adding a new paragraph 19 to read as follows:

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

LBD01001-01-3

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

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