STATE OF NEW YORK

5061

2019-2020 Regular Sessions

IN SENATE

April 5, 2019

Introduced by Sen. PARKER -- read twice and ordered printed, and when printed to be committed to the Committee on Insurance

AN ACT to amend the insurance law and the social services law, in relation to allowing individuals to obtain a twelve month supply of contraception at one time

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

Section 1. The opening paragraph of paragraph 16 of subsection (l) of section 3221 of the insurance law, as added by chapter 554 of the laws of 2002, is amended to read as follows:

Every group or blanket policy which provides coverage for prescription drugs shall include coverage for the cost of contraceptive drugs or devices approved by the federal food and drug administration or generic equivalents approved as substitutes by such food and drug administration under the prescription of a health care provider legally authorized to prescribe under title eight of the education law. **This coverage shall allow for a three month supply of a contraceptive for the initial dispensing of the contraceptive and a twelve month supply of the same contraceptive for all subsequent dispensings to the certificate holder regardless of whether such certificate holder was enrolled in the policy at the time of the initial dispensing.** The coverage required by this section shall be included in policies and certificates only through the addition of a rider.

§ 2. The opening paragraph of subsection (cc) of section 4303 of the insurance law, as added by chapter 554 of the laws of 2002, is amended to read as follows:

Every contract which provides coverage for prescription drugs shall include coverage for the cost of contraceptive drugs or devices approved by the federal food and drug administration or generic equivalents approved as substitutes by such food and drug administration under the prescription of a health care provider legally authorized to prescribe

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

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under title eight of the education law. **This coverage shall allow for a three month supply of a contraceptive for the initial dispensing of the contraceptive and a twelve month supply of the same contraceptive for all subsequent dispensings to the insured regardless of whether the insured was enrolled under the contract at the time of the initial dispensing.** The coverage required by this section shall be included in contracts and certificates only through the addition of a rider.

§ 3. Paragraph 25 of subsection (b) of section 4322 of the insurance law, as added by chapter 504 of the laws of 1995 and the opening paragraph as amended by chapter 388 of the laws of 2013, is amended to read as follows:

(25) Prescription drugs, including contraceptive drugs or devices approved by the federal food and drug administration or generic equivalents approved as substitutes by such food and drug administration and nutritional supplements (formulas), whether administered orally or via a feeding tube for the therapeutic treatment of phenylketonuria, branched-chain ketonuria, galactosemia and homocystinuria, obtained at a participating pharmacy under a prescription written by an in-plan or out-of-plan provider. Health maintenance organizations, in addition to providing coverage for prescription drugs at a participating pharmacy, may utilize a mail order prescription drug program. Health maintenance organizations may provide prescription drugs pursuant to a drug formulary; however, health maintenance organizations must implement an appeals process so that the use of non-formulary prescription drugs may be requested by a physician or other provider.

With respect to contraceptive drugs, any plan shall allow for a three month supply of a contraceptive for the initial dispensing of the contraceptive and a twelve month supply of the same contraceptive for all subsequent dispensings to the enrollee.

Health maintenance organizations shall impose a one hundred dollar individual deductible and a three hundred dollar family deductible per calendar year for prescription drugs obtained at a participating pharmacy. Health maintenance organizations may not impose a deductible on prescriptions obtained through the mail order drug program.

In addition to the deductible, a ten dollar copayment shall be imposed on up to a thirty-four day supply of brand name prescription drugs obtained at a participating pharmacy. A five dollar copayment shall be imposed on up to a thirty-four day supply of generic prescription drugs or brand name drugs for which there is no generic equivalent obtained at a participating pharmacy.

If a mail order drug program is utilized, a twenty dollar copayment shall be imposed on a ninety day supply of brand name prescription drugs. A ten dollar copayment shall be imposed on a ninety day supply of generic prescription drugs or brand name drugs for which there is no generic equivalent obtained through the mail order drug program.

In no event shall the copayment exceed the cost of the prescribed drug.

§ 4. Subparagraph (E) of paragraph 17 of subsection (i) of section 3216 of the insurance law is amended by adding a new clause (v) to read as follows:

(v) contraceptives, allowing for a three month supply for the initial dispensing of the contraceptive and a twelve month supply of the same contraceptive for all subsequent dispensings to the insured regardless of whether the insured was enrolled under the policy at the time of the initial dispensing.

§ 5. Paragraph (d) of subdivision 3 of section 365-a of the social services law, as amended by chapter 909 of the laws of 1974 and as relettered by chapter 82 of the laws of 1995, is amended to read as follows:

(d) family planning services and supplies**, including contraception,** for eligible persons of childbearing age, including children under twenty-one years of age who can be considered sexually active, who desire such services and supplies, in accordance with the requirements of federal law and regulations and the regulations of the department. No person shall be compelled or coerced to accept such services or supplies. **With respect to contraception, coverage shall allow for a three month supply of a contraceptive for the initial dispensing of the contraceptive and a twelve month supply of the same contraceptive for all subsequent dispensings.**

§ 6. This act shall take effect immediately, and shall apply to policies and contracts issued, renewed, modified, altered or amended on or after such effective date.