STATE OF NEW YORK

10165

IN ASSEMBLY

March 24, 2020

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

AN ACT to amend the insurance law, in relation to requiring policies and contracts that provide coverage for prescription drugs to include coverage of an immediate additional thirty-day supply of a prescription drug during a state disaster emergency

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

Section 1. Section 3242 of the insurance law is amended by adding a new subsection (c) to read as follows:

(c) (1) Every policy delivered or issued for delivery in this state that provides coverage for prescription drugs shall include in the policy a process that allows an insured, the insured's designee, or the insured's prescribing health care provider to immediately obtain an additional thirty-day supply of any current prescription of the insured, except as provided in paragraph two of this subsection, at the same level of coverage as a normal refill of such prescription drug upon the declaration of a state disaster emergency pursuant to section twenty-eight of the executive law.

(2) The commissioner of health shall promulgate a list of prescription drugs which shall not be subject to the provisions of paragraph one of this subsection. Such list shall include, but not be limited to, all schedule II and schedule III controlled substances.

§ 2. Section 4329 of the insurance law is amended by adding a new subsection (c) to read as follows:

(c) (1) Every contract issued by a corporation subject to the provisions of this article that provides coverage for prescription drugs shall include in the contract a process that allows an insured, the insured's designee, or the insured's prescribing health care provider to immediately obtain an additional thirty-day supply of any current prescription of the insured, except as provided in paragraph two of this subsection, at the same level of coverage as a normal refill of such prescription drug upon the declaration of a state disaster emergency pursuant to section twenty-eight of the executive law.

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

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(2) The commissioner of health shall promulgate a list of prescription drugs which shall not be subject to the provisions of paragraph one of this subsection. Such list shall include, but not be limited to, all schedule II and schedule III controlled substances.

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