

# STATE OF NEW YORK

102

2019-2020 Regular Sessions

## IN ASSEMBLY

(Prefiled)

January 9, 2019

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

AN ACT to amend the insurance law, in relation to insurance coverage of  
opioid medications

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

1 Section 1. Subsection (i) of section 3216 of the insurance law is  
2 amended by adding a new paragraph 35 to read as follows:

3 (35)(A) Every policy that provides medical, major medical or similar  
4 comprehensive-type coverage, or coverage for prescription drugs must  
5 provide coverage of opioid medications and prescription drugs. Such  
6 coverage shall continue to be provided during the entire period of time  
7 the medications and drugs are prescribed or administered by an author-  
8 ized prescriber or administrator. Such coverage shall not require prior  
9 authorization from the insurance company prior to administration or  
10 prescription of such medications and prescription drugs. Such coverage  
11 shall be at the same rate regardless of the opioid medications being  
12 administered or prescribed. An insurance company shall not charge a  
13 different rate for any medication in the opioid class.

14 (B) Coverage provided under this paragraph may be subject to annual  
15 deductibles and co-insurance as deemed appropriate by the superinten-  
16 dent.

17 § 2. Subsection (1) of section 3221 of the insurance law is amended by  
18 adding a new paragraph 21 to read as follows:

19 (21) (A) Every policy that provides medical, major medical or similar  
20 comprehensive-type coverage, or coverage for prescription drugs must  
21 provide coverage of opioid medications and prescription drugs. Such  
22 coverage shall continue to be provided during the entire period of time  
23 the medications and drugs are prescribed or administered by an author-  
24 ized prescriber or administrator. Such coverage shall not require prior

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

LBD01843-01-9

1 authorization from the insurance company prior to administration or  
2 prescription of such medications and prescription drugs. Such coverage  
3 shall be at the same rate regardless of the opioid medications being  
4 administered or prescribed. An insurance company shall not charge a  
5 different rate for any medication in the opioid class.

6 (B) Coverage provided under this paragraph may be subject to annual  
7 deductibles and co-insurance as deemed appropriate by the superinten-  
8 dent.

9 § 3. Section 4303 of the insurance law is amended by adding a new  
10 subsection (1-3) to read as follows:

11 (1-3) (1) Every policy that provides medical, major medical or similar  
12 comprehensive-type coverage, or coverage for prescription drugs must  
13 provide coverage of opioid medications and prescription drugs. Such  
14 coverage shall continue to be provided during the entire period of time  
15 the medications and drugs are prescribed or administered by an author-  
16 ized prescriber or administrator. Such coverage shall not require prior  
17 authorization from the insurance company prior to administration or  
18 prescription of such medications and prescription drugs. Such coverage  
19 shall be at the same rate regardless of the opioid medications being  
20 administered or prescribed. An insurance company shall not charge a  
21 different rate for any medication in the opioid class.

22 (2) Coverage provided under this paragraph may be subject to annual  
23 deductibles and co-insurance as deemed appropriate by the superinten-  
24 dent.

25 § 4. This act shall take effect immediately.