

# STATE OF NEW YORK

1741

2021-2022 Regular Sessions

## IN ASSEMBLY

January 11, 2021

Introduced by M. of A. GOTTFRIED, ENGLEBRIGHT, COLTON, FAHY, SIMON, THIELE, DINOWITZ, McMAHON, OTIS, SEAWRIGHT, WEPRIN, DICKENS, STERN, GRIFFIN, GALEF, ABINANTI, MAGNARELLI, DARLING -- read once and referred to the Committee on Insurance

AN ACT to amend the insurance law, in relation to calculating an insured individual's overall contribution to any out-of-pocket maximum or any cost-sharing requirement

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 36 to read as follows:

(36) Any policy that provides coverage for prescription drugs shall apply any third-party payments, financial assistance, discount, voucher or other price reduction instrument for out-of-pocket expenses made on behalf of an insured individual for the cost of prescription drugs to the insured's deductible, copayment, coinsurance, out-of-pocket maximum, or any other cost-sharing requirement when calculating such insured individual's overall contribution to any out-of-pocket maximum or any cost-sharing requirement.

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

(21) Every group or blanket policy delivered or issued for delivery in this state that provides coverage for prescription drugs shall apply any third-party payments, financial assistance, discount, voucher or other price reduction instrument for out-of-pocket expenses made on behalf of an insured individual for the cost of prescription drugs to the insured's deductible, copayment, coinsurance, out-of-pocket maximum, or any other cost-sharing requirement when calculating such insured individual's overall contribution to any out-of-pocket maximum or any cost-sharing requirement.

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

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

3     (ss) Every contract issued by a medical expense indemnity corporation,  
4 hospital service corporation, or health service corporation that  
5 provides coverage for prescription drugs shall apply any third-party  
6 payments, financial assistance, discount, voucher or other price  
7 reduction instrument for out-of-pocket expenses made on behalf of an  
8 insured individual for the cost of prescription drugs to the insured's  
9 deductible, copayment, coinsurance, out-of-pocket maximum, or any other  
10 cost-sharing requirement when calculating such insured individual's  
11 overall contribution to any out-of-pocket maximum or any cost-sharing  
12 requirement.

13     § 4. This act shall take effect on the first of January next succeed-  
14 ing the date on which it shall have become a law and shall apply to all  
15 policies and contracts issued, renewed, modified, altered or amended on  
16 or after such date.