

# STATE OF NEW YORK

5299

2021-2022 Regular Sessions

## IN SENATE

March 1, 2021

Introduced by Sen. RIVERA -- read twice and ordered printed, and when printed to be committed 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:

1 Section 1. Subsection (i) of section 3216 of the insurance law is  
2 amended by adding a new paragraph 36 to read as follows:

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

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

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

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

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

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

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