

# STATE OF NEW YORK

1393--A

2023-2024 Regular Sessions

## IN ASSEMBLY

January 17, 2023

Introduced by M. of A. L. ROSENTHAL, SANTABARBARA -- read once and referred to the Committee on Insurance -- recommitted to the Committee on Insurance in accordance with Assembly Rule 3, sec. 2 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the insurance law, in relation to requiring health insurers to provide coverage for opioid antagonists and devices

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 39 to read as follows:

3 (39) (A) (i) Every policy which provides coverage for prescription  
4 drugs shall include coverage for at least one opioid antagonist and  
5 device. Prior authorization may be required for non-generic forms of  
6 opioid antagonists and devices.

7 (ii) As used in this paragraph "opioid antagonist and device" means a  
8 drug approved by the food and drug administration that, when adminis-  
9 tered, negates or neutralizes in whole or in part the pharmacological  
10 effects of an opioid in the body. "Opioid antagonist" shall be limited  
11 to naloxone and other medications approved by the department of health  
12 for such purpose.

13 (B) The coverage mandated by this paragraph shall include opioid  
14 antagonists prescribed or dispensed via standing order or collaborative  
15 practice agreement intended for use on patients other than the insured.

16 (C) A policy shall not impose a deductible, co-insurance, co-payment,  
17 or any other cost-sharing requirement on such coverage provided pursuant  
18 to this paragraph.

19 § 2. Subsection (1) of section 3221 of the insurance law is amended by  
20 adding a new paragraph 7-c to read as follows:

21 (7-c) (A) (i) Every policy which provides coverage for prescription  
22 drugs shall include coverage for at least one opioid antagonist and

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

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1 device. Prior authorization may be required for non-generic forms of  
2 opioid antagonists and devices.

3 (ii) As used in this paragraph "opioid antagonist and device" means a  
4 drug approved by the food and drug administration that, when adminis-  
5 tered, negates or neutralizes in whole or in part the pharmacological  
6 effects of an opioid in the body. "Opioid antagonist" shall be limited  
7 to naloxone and other medications approved by the department of health  
8 for such purpose.

9 (B) The coverage mandated by this paragraph shall include opioid  
10 antagonists prescribed or dispensed via standing order or collaborative  
11 practice agreement intended for use on patients other than the insured.

12 (C) A group or blanket policy subject to this paragraph shall not  
13 impose a deductible, co-insurance, co-payment, or any other cost-sharing  
14 requirement on such coverage provided pursuant to this paragraph.

15 § 3. Section 4303 of the insurance law is amended by adding a new  
16 subsection (vv) to read as follows:

17 (vv) (1) (A) Every policy that is issued, amended, renewed, effective,  
18 or delivered on or after January first, two thousand twenty-five and  
19 provides coverage for prescription drugs shall include coverage for at  
20 least one opioid antagonist and device. Prior authorization may be  
21 required for non-generic forms of opioid antagonists and devices.

22 (B) As used in this subsection "opioid antagonist and device" means a  
23 drug approved by the food and drug administration that, when adminis-  
24 tered, negates or neutralizes in whole or in part the pharmacological  
25 effects of an opioid in the body. "Opioid antagonist" shall be limited  
26 to naloxone and other medications approved by the department of health  
27 for such purpose.

28 (2) A contract subject to this subsection shall not impose a deduct-  
29 ible, coinsurance, copayment, or any other cost-sharing requirement on  
30 such coverage provided pursuant to this subsection.

31 § 4. This act shall take effect immediately and shall apply to poli-  
32 cies and contracts issued, renewed, modified, altered or amended on or  
33 after such effective date.