

# STATE OF NEW YORK

6425

2023-2024 Regular Sessions

## IN ASSEMBLY

April 6, 2023

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

AN ACT to amend the insurance law, in relation to requiring health  
insurance plans to provide coverage for epinephrine auto-injector  
devices

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 39 to read as follows:

3 (39) Every insurer issuing a policy of accident and health insurance  
4 delivered or issued for delivery in this state which provides major  
5 medical or similar comprehensive-type coverage shall include coverage  
6 for two medically necessary epinephrine auto-injector devices for the  
7 emergency treatment of life-threatening allergic reactions. Such cover-  
8 age may be subject to annual deductibles and coinsurance as may be  
9 deemed appropriate by the superintendent and as are consistent with  
10 those established for other benefits within a given policy; provided  
11 however, the total amount that a covered person is required to pay out-  
12 of-pocket for such devices shall be capped at an amount not to exceed  
13 one hundred dollars annually regardless of the insured's deductible,  
14 copayment, coinsurance or any other cost-sharing requirement. For the  
15 purposes of this paragraph, "epinephrine auto-injector device" shall  
16 have the same meaning as provided in paragraph (b) of subdivision one of  
17 section three thousand-c of the public health law.

18 § 2. Subsection (k) of section 3221 of the insurance law is amended by  
19 adding a new paragraph 23 to read as follows:

20 (23) Every group or blanket policy of accident and health insurance  
21 delivered or issued for delivery in this state which provides medical  
22 coverage that includes coverage for physician services in a physician's  
23 office and every policy which provides major medical or similar compre-  
24 hensive-type coverage shall provide coverage for two medically neces-

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

LBD10597-01-3

1 sary epinephrine auto-injector devices for the emergency treatment of  
2 life-threatening allergic reactions. Such coverage may be subject to  
3 annual deductibles and coinsurance as may be deemed appropriate by the  
4 superintendent and as are consistent with those established for other  
5 benefits within a given policy; provided however, the total amount that  
6 a covered person is required to pay out-of-pocket for such devices shall  
7 be capped at an amount not to exceed one hundred dollars annually  
8 regardless of the insured's deductible, copayment, coinsurance or any  
9 other cost-sharing requirement. For the purposes of this paragraph,  
10 "epinephrine auto-injector device" shall have the same meaning as  
11 provided in paragraph (b) of subdivision one of section three thousand-c  
12 of the public health law.

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

15 (vv) Every medical expense indemnity corporation, hospital service  
16 corporation and health service corporation which provides medical cover-  
17 age that includes coverage for physician services in a physician's  
18 office and every policy which provides major medical or similar compre-  
19 hensive-type coverage shall provide coverage for two medically necessary  
20 epinephrine auto-injector devices for the emergency treatment of life-  
21 threatening allergic reactions. Such coverage may be subject to annual  
22 deductibles and coinsurance as may be deemed appropriate by the super-  
23 intendent and as are consistent with those established for other bene-  
24 fits within a given policy; provided however, the total amount that a  
25 covered person is required to pay out-of-pocket for such devices shall  
26 be capped at an amount not to exceed one hundred dollars annually  
27 regardless of the insured's deductible, copayment, coinsurance or any  
28 other cost-sharing requirement. For the purposes of this subsection,  
29 "epinephrine auto-injector device" shall have the same meaning as  
30 provided in paragraph (b) of subdivision one of section three thousand-c  
31 of the public health law.

32 § 4. This act shall take effect on the ninetieth day after it shall  
33 have become a law, and shall apply to any contract or renewal or exten-  
34 sion of contract dated after this act shall have become a law.