

STATE OF NEW YORK

9662

IN ASSEMBLY

March 27, 2024

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

AN ACT to amend the insurance law and the social services law, in relation to capping cost sharing for antiviral COVID-19 therapeutics

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) Every policy that provides coverage for hospital, surgical or
4 medical care or prescription drugs shall provide coverage for antiviral
5 therapeutics approved or granted emergency use authorization by the food
6 and drug administration for the treatment of COVID-19 when prescribed or
7 furnished by a licensed health care provider acting within their scope
8 of practice and the standard of care.

9 (B) The coverage required pursuant to subparagraph (A) of this para-
10 graph shall not be subject to annual deductibles or coinsurance,
11 provided, however, that an insured who is eligible for and able to
12 obtain free prescribed antiviral therapeutics under a manufacturer or
13 government program may be required to use such program before using
14 coverage required pursuant to this paragraph.

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

17 (23) (A) Every policy that provides coverage for hospital, surgical or
18 medical care or prescription drugs shall provide coverage for antiviral
19 therapeutics approved or granted emergency use authorization by the food
20 and drug administration for the treatment of COVID-19 when prescribed or
21 furnished by a licensed health care provider acting within their scope
22 of practice and the standard of care.

23 (B) The coverage required pursuant to subparagraph (A) of this para-
24 graph shall not be subject to annual deductibles or coinsurance,
25 provided, however, that an insured who is eligible for and able to
26 obtain free prescribed antiviral therapeutics under a manufacturer or
27 government program may be required to use such program before using
28 coverage required pursuant to this paragraph.

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

LBD14144-03-4

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

3 (vv) (1) Every contract issued by a medical expense indemnity corpo-
4 ration, a hospital service corporation or a health service corporation
5 for delivery in this state that provides medical, hospital, surgical
6 care, or major medical or similar comprehensive-type coverage and
7 provides coverage for prescription drugs shall provide coverage for
8 antiviral therapeutics approved or granted emergency use authorization
9 by the food and drug administration for the treatment of COVID-19 when
10 prescribed or furnished by a licensed health care provider acting within
11 their scope of practice and the standard of care.

12 (2) Such coverage required pursuant to paragraph one of this
13 subsection shall not be subject to annual deductibles or coinsurance,
14 provided, however, that an insured who is eligible for and able to
15 obtain free prescribed antiviral therapeutics under a manufacturer or
16 government program may be required to use such program before using
17 coverage required pursuant to this paragraph.

18 § 4. Subdivision 2 of section 365-a of the social services law is
19 amended by adding a new paragraph (nn) to read as follows:

20 (nn) (i) antiviral therapeutics approved or granted emergency use
21 authorization by the food and drug administration for the treatment of
22 COVID-19 when prescribed or furnished by a licensed health care provider
23 acting within their scope of practice and the standard of care.

24 (ii) coverage required pursuant to this paragraph shall be provided at
25 no cost to the insured, provided, however, that an insured who is eligi-
26 ble for and able to obtain free prescribed antiviral therapeutics under
27 a manufacturer or government program may be required to use such program
28 before using coverage required pursuant to this paragraph.

29 § 5. This act shall take effect immediately and shall apply to any
30 policy or contract issued, renewed, modified, altered, or amended on or
31 after January 1, 2025.