STATE OF NEW YORK

1001

2023-2024 Regular Sessions

IN SENATE

January 9, 2023

Introduced by Sens. HOYLMAN, MYRIE, SALAZAR -- read twice and ordered printed, and when printed to be committed to the Committee on Health

AN ACT to amend the public health law, in relation to prohibiting the preferred drug program from restricting or imposing delays in the distribution of antiretroviral prescription drugs to certain persons; to amend the social services law, in relation to prohibiting managed care programs from restricting or imposing delays in the distribution of antiretroviral prescription drugs to certain persons; and to amend the insurance law, in relation to prohibiting insurers from restricting or imposing delays in the distribution of antiretroviral prescription drugs to certain persons

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Section 273 of the public health law is amended by adding a new subdivision 11 to read as follows:

11. No prior authorization, step therapy, or any other protocol that could restrict or delay the dispensing of the drug shall be required for antiretroviral prescription drugs prescribed to a person in a state public health plan for the treatment or prevention of the human immunodeficiency virus (HIV) or acquired immunodeficiency syndrome (AIDS).

§ 2. Section 364-j of the social services law is amended by adding a new subdivision 26-d to read as follows:

26-d. Managed care providers shall not subject an antiretroviral prescription drug prescribed to a person for the treatment or prevention of the human immunodeficiency virus (HIV) or acquired immunodeficiency syndrome (AIDS) to a prior authorization requirement, step therapy, or any other protocol that could restrict or delay the dispensing of the drug.

§ 3. Subsection (i) of section 3216 of the insurance law is amended by adding a new paragraph 39 to read as follows:

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

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(39) No policy that provides coverage for antiretroviral prescription drugs prescribed for the treatment or prevention of the human immunodeficiency virus (HIV) or acquired immunodeficiency syndrome (AIDS) shall subject such drugs to prior authorization requirement, step therapy, or any other protocol that could restrict or delay the dispensing of the drug.

§ 4. Subsection (l) of section 3221 of the insurance law is amended by adding a new paragraph 22 to read as follows:

(22) Every group or blanket policy delivered or issued for delivery in this state that provides coverage for antiretroviral prescription drugs for the treatment or prevention of the human immunodeficiency virus (HIV) or acquired immunodeficiency syndrome (AIDS) shall not subject such drug to a prior authorization requirement, step therapy, or any other protocol that could restrict or delay the dispensing of the drug.

§ 5. Section 4303 of the insurance law is amended by adding a new subsection (uu) to read as follows:

(uu) Any contract issued by a medical expense indemnity corporation, a hospital service corporation or a health services corporation that provides coverage for antiretroviral prescription drugs for the treatment or prevention of the human immunodeficiency virus (HIV) or acquired immunodeficiency syndrome (AIDS) shall not subject such drug to a prior authorization requirement, step therapy, or any other protocol that could restrict or delay the dispensing of the drug.

§ 6. This act shall take effect on the first of January next succeeding the date on which it shall have become a law; provided, however, that sections three, four and five of this act shall apply to all coverage, contracts or policies issued, reissued, renewed, modified, altered or amended on or after such effective date; and provided further, however, that the amendments to section 364-j of the social services law made by section two of this act, shall not affect the repeal of such section and shall be deemed repealed therewith. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.