STATE OF NEW YORK

137

2023-2024 Regular Sessions

IN SENATE

(Prefiled)

January 4, 2023

Introduced by Sen. KRUEGER -- 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 coverage for treatment of smoking cessation

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

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

(uu) A hospital service corporation or a health service corporation which provides group, group remittance or school blanket coverage for inpatient hospital care shall provide coverage for costs of any FDA approved smoking cessation medication and recommended counseling that is ordered by a physician. Such coverage may be limited to two quit attempts per year. Each quit attempt will include ninety days of any FDA approved cessation medications and four counseling sessions without cost-sharing or prior authorization. This provision shall not apply to a contract issued pursuant to section four thousand three hundred five of this article which covers persons employed in more than one state or the benefit structure of which was the subject of collective bargaining affecting persons who are employed in more than one state. Such coverage may be subject to annual deductibles and co-insurance as may be deemed appropriate by the superintendent and are consistent with those imposed on other benefits within a given policy. Such coverage shall not replace, restrict or eliminate existing coverage provided by the policy.

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

(39) Every policy shall provide coverage for costs of any FDA approved smoking cessation medication and recommended counseling that is ordered by a physician. Such coverage may be limited to two quit attempts per year. Each quit attempt will include ninety days of any FDA approved

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

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cessation medications and four counseling sessions without cost-sharing or prior authorization.

§ 3. Subsection (1) 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 which provides hospital, surgical or medical coverage shall provide coverage for costs of any FDA approved smoking cessation medication and recommended counseling that is ordered by a physician. Such coverage may be limited to two quit attempts per year. Each quit attempt will include ninety days of any FDA approved cessation medications and four counseling sessions without cost-sharing or prior authorization.

§ 4. This act shall take effect on the one hundred eightieth day after it shall have become a law and shall apply to all policies and contracts issued, renewed, modified, altered or amended on or after such date. 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 date.