STATE OF NEW YORK

2228

2023-2024 Regular Sessions

IN SENATE

January 19, 2023

Introduced by Sen. BRESLIN -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the insurance law and the public health law, in relation to directing the commissioner of health to promulgate a list of prescription drugs for which an emergency thirty-day supply cannot be obtained

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

Section 1. Subsection (c) of section 3242 of the insurance law, as added by a chapter of the laws of 2022 amending the insurance law relating to requiring policies and contracts that provide coverage for prescription drugs to include coverage of an immediate additional thirty-day supply of a prescription during a state disaster emergency, as proposed in legislative bills numbers S. 4856 and A. 7469, is amended to read as follows:

(c)[~~(1)~~] Every policy delivered or issued for delivery in this state that provides coverage for prescription drugs shall include in the policy a process that allows an insured, the insured's designee, or the insured's prescribing health care provider to immediately obtain*, on the insured's behalf,* an additional thirty-day supply of any current prescription of the insured, except as provided in [~~paragraph two of this subsection~~] *section two hundred seventy-eight-a of the public health law*, at the same level of coverage as a normal refill of such prescription drug upon the declaration of a state disaster emergency pursuant to section twenty-eight of the executive law.

[~~(2) The commissioner of health shall promulgate a list of prescription drugs which shall not be subject to the provisions of paragraph one of this subsection. Such list shall include, but not be limited to, all schedule II and schedule III controlled substances.~~]

§ 2. Subsection (c) of section 4329 of the insurance law, as added by a chapter of the laws of 2022 amending the insurance law relating to

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

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requiring policies and contracts that provide coverage for prescription drugs to include coverage of an immediate additional thirty-day supply of a prescription during a state disaster emergency, as proposed in legislative bills numbers S. 4856 and A. 7469, is amended to read as follows:

(c) [~~(1)~~] Every contract issued by a corporation subject to the provisions of this article that provides coverage for prescription drugs shall include in the contract a process that allows an insured, the insured's designee, or the insured's prescribing health care provider to immediately obtain**, on the insured's behalf,** an additional thirty-day supply of any current prescription of the insured, except as provided in [~~paragraph two of this subsection~~] **section two hundred seventy-eight-a of the public health law**, at the same level of coverage as a normal refill of such prescription drug upon the declaration of a state disaster emergency pursuant to section twenty-eight of the executive law.

[~~(2) The commissioner of health shall promulgate a list of prescription drugs which shall not be subject to the provisions of paragraph one of this subsection. Such list shall include, but not be limited to, all schedule II and schedule III controlled substances.~~]

§ 3. The public health law is amended by adding a new section 278-a to read as follows:

§ 278-a. Exceptions to drug prescription supply during an emergency. The commissioner shall promulgate a list of prescription drugs that shall not be subject to subsection (c) of section three thousand two hundred forty-two and subsection (c) of section four thousand three hundred twenty-nine of the insurance law. Such list shall include, but not be limited to, all schedule II and schedule III controlled substances.

§ 4. This act shall take effect on the same date and in the same manner as a chapter of the laws of 2022 amending the insurance law relating to requiring policies and contracts that provide coverage for prescription drugs to include coverage of an immediate additional thirty-day supply of a prescription during a state disaster emergency, as proposed in legislative bills numbers S. 4856 and A. 7469, takes effect.