

STATE OF NEW YORK

8367--A

IN SENATE

January 23, 2024

Introduced by Sen. HOYLMAN-SIGAL -- read twice and ordered printed, and when printed to be committed to the Committee on Insurance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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

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

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1 government program may be required to use such program before using
2 coverage required pursuant to this paragraph.

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

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

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

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

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

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

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