

# STATE OF NEW YORK

8367--B

## 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 -- 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 prescription drugs  
4 shall provide coverage for antiviral therapeutics approved or granted  
5 emergency use authorization by the food and drug administration for the  
6 treatment of COVID-19 when prescribed by a licensed health care provider  
7 legally authorized to prescribe under title eight of the education law.

8 (B) Coverage under this paragraph shall not be subject to annual  
9 deductibles or coinsurance, provided, however, that an insured who is  
10 eligible for and able to obtain prescribed antiviral therapeutics at no  
11 cost or reduced cost under a manufacturer or government program may be  
12 required to use such program before using coverage required pursuant to  
13 this paragraph.

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

16 (23) (A) Every group or blanket policy delivered or issued for deliv-  
17 ery in this state that provides coverage for prescription drugs shall  
18 provide coverage for antiviral therapeutics approved or granted emergen-  
19 cy use authorization by the food and drug administration for the treat-  
20 ment of COVID-19 when prescribed by a licensed health care provider  
21 legally authorized to prescribe under title eight of the education law.

22 (B) Coverage under this paragraph shall not be subject to annual  
23 deductibles or coinsurance, provided, however, that an insured who is  
24 eligible for and able to obtain prescribed antiviral therapeutics at no  
25 cost or reduced cost under a manufacturer or government program may be

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

LBD14144-04-4

1 required to use such program before using coverage required pursuant to  
2 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 that 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 by a licensed health care provider legally authorized to  
11 prescribe under title eight of the education law.

12 (2) Coverage under this subsection shall not be subject to annual  
13 deductibles or coinsurance, provided, however, that an insured who is  
14 eligible for and able to obtain prescribed antiviral therapeutics at no  
15 cost or reduced cost under a manufacturer or government program may be  
16 required to use such program before using coverage required pursuant to  
17 this subsection.

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 by a licensed health care provider legally  
23 authorized to prescribe under title eight of the education law.

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

29 § 5. This act shall take effect on the first day of January next  
30 succeeding the date on which it shall have become a law and shall apply  
31 to all policies and contracts issued, renewed, modified, altered, or  
32 amended on or after such date.