STATE OF NEW YORK

8388--B

IN SENATE

January 25, 2024

Introduced by Sens. HARCKHAM, MATTERA, ADDABBO, CLEARE, COMRIE, COONEY, GALLIVAN, GONZALEZ, HINCHEY, KRUEGER, MARTINS, MAY, MAYER, MURRAY, OBERACKER, PALUMBO, RHOADS, ROLISON, SEPULVEDA, SKOUFIS, STAVISKY, STEC, TEDISCO, WEBB, WEBER, WEIK -- read twice and ordered printed, and when printed to be committed to the Committee on Civil Service and Pensions -- 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 in relation to protecting the health insurance benefits of retirees of public employers and contributions of retirees of public employers

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

Section 1. This act shall be known as the "Health Equity for Retirees Act" or "(HERA)".

§ 2. 1. On and after the effective date of this act, a public employer shall not diminish the health insurance benefits provided to retirees and their dependents or the contributions such employer makes for such health insurance coverage below the level of such benefits or contributions made on behalf of such retirees and their dependents by such public employer as of December 31, 2021.

2. For the purposes of this act:

(a) "diminish" shall mean any change in health care offered that could potentially make it harder for retirees residing anywhere within the United States, including its territories and possessions, to access their health care than before such change was made. These changes shall include, but are not limited to, increasing the cost of such health care, reducing contributions made by a public employer, forcing retirees into Medicare Advantage Plans, forcing them to use health care providers only from pre-designated panels, or forcing them to wait for pre-authorization for medical procedures that are recommended by their health care providers;

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

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(b) "health care benefits" shall mean any and all aspects of health care coverage offered to retirees and their dependents by public employers, including, but not limited to: (i) costs: this includes the amount of money (on either an absolute or proportional basis) retirees and their dependents are charged for premiums, deductibles, coinsurance, and copayments associated with any health care coverage; (ii) coverage: this encompasses the specific services and benefits covered by the health care plan, including inpatient and outpatient care, preventative services, prescription drugs, mental health and substance abuse treatment, and vision and dental care; and (iii) provider choice: this includes the ability of retirees and their dependents to access any health care provider who accepts Medicare or participates in the offered plan's network, without restriction;

(c) "public employer" shall mean the following: (i) the state or a civil division thereof; (ii) a county, city, town or village; (iii) a school district, board of cooperative educational services, vocational education and extension board or a school district as enumerated in section 1 of chapter 566 of the laws of 1967, as amended; (iv) any governmental entity operating a college or university; (v) a public improvement or special district including police or fire districts; (vi) a public authority, commission or public benefit corporation; or (vii) any other public corporation, agency, instrumentality or unit of government which exercises governmental power under the laws of this state; and

(d) "retiree" shall mean a retiree of a public employer.

§ 3. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after December 31, 2021.