STATE OF NEW YORK

2440

2023-2024 Regular Sessions

IN ASSEMBLY

January 26, 2023

Introduced by M. of A. EPSTEIN, JACOBSON -- read once and referred to the Committee on Insurance

AN ACT to amend the insurance law, in relation to requiring health insurance plans to provide coverage for epi-pens for individuals 18 years old and younger

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

Section 1. Subsection (i) of section 3216 of the insurance law is amended by adding a new paragraph 39 to read as follows:

(39) Every insurer issuing a policy of accident and health insurance delivered or issued for delivery in this state shall make available and, if requested by the insured, provide coverage of medically necessary epinephrine auto-injector devices for any insured individual who is eighteen years old or younger. For the purposes of this paragraph, "epinephrine auto-injector device" shall have the same meaning as provided in paragraph (b) of subdivision one of section three thousand-c of the public health law.

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

(23) Every group or blanket policy of accident and health insurance delivered or issued for delivery in this state which provides hospital, surgical or medical coverage shall make available and, if requested by the insured, provide coverage of medically necessary epinephrine auto-injector devices for any insured individual who is eighteen years old or younger. For the purposes of this paragraph, "epinephrine auto-injector device" shall have the same meaning as provided in paragraph (b) of subdivision one of section three thousand-c of the public health law.

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

(uu) Every medical expense indemnity corporation, hospital service corporation and health service corporation which provides coverage for

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

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medical, surgical or major medical care shall make available and, if requested by the covered person, provide coverage of medically necessary epinephrine auto-injector devices for any insured individual who is eighteen years old or younger. For the purposes of this subsection, "epinephrine auto-injector device" shall have the same meaning as provided in paragraph (b) of subdivision one of section three thousand-c of the public health law.

§ 4. This act shall take effect on the ninetieth day after it shall have become a law, and shall apply to any contract or renewal or extension of contract dated after this act shall have become a law.