

# STATE OF NEW YORK

9662--A

## IN ASSEMBLY

March 27, 2024

Introduced by M. of A. WEPRIN -- read once and referred 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 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  
26 required to use such program before using coverage required pursuant to  
27 this paragraph.

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

LBD14144-05-4

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

3 (vv) (1) Every contract issued by a medical expense indemnity corpo-  
4 ration, a hospital service corporation, or a health service corporation  
5 that provides coverage for prescription drugs shall provide coverage for  
6 antiviral therapeutics approved or granted emergency use authorization  
7 by the food and drug administration for the treatment of COVID-19 when  
8 prescribed by a licensed health care provider legally authorized to  
9 prescribe under title eight of the education law.

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

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

18 (nn) (i) antiviral therapeutics approved or granted emergency use  
19 authorization by the food and drug administration for the treatment of  
20 COVID-19 when prescribed by a licensed health care provider legally  
21 authorized to prescribe under title eight of the education law.

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

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