

STATE OF NEW YORK

3227

2023-2024 Regular Sessions

IN SENATE

January 30, 2023

Introduced by Sens. HOYLMAN-SIGAL, JACKSON, MYRIE, RIVERA, SALAZAR --
read twice and ordered printed, and when printed to be committed to
the Committee on Health

AN ACT to amend the public health law and the insurance law, in relation
to prohibiting health insurers from requiring prior authorization for
pre-exposure prophylaxis used to prevent HIV infection

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

1 Section 1. Section 4406-c of the public health law is amended by
2 adding a new subdivision 13 to read as follows:

3 13. A health care plan which provides prescription drug coverage shall
4 not require a prior authorization determination for pre-exposure prophy-
5 laxis used to prevent HIV infection. Nothing in this subdivision shall
6 prohibit a health care plan from denying a claim for such services if
7 the services are subsequently determined not medically necessary.

8 § 2. Section 3217-b of the insurance law is amended by adding a new
9 subsection (p) to read as follows:

10 (p) An insurer which provides prescription drug coverage shall not
11 require a prior authorization determination for pre-exposure prophylaxis
12 used to prevent HIV infection. Nothing in this subsection shall prohibit
13 an insurer from denying a claim for such services if the services are
14 subsequently determined not medically necessary.

15 § 3. Section 4325 of the insurance law is amended by adding a new
16 subsection (p) to read as follows:

17 (p) A corporation organized under this article which provides
18 prescription drug coverage shall not require a prior authorization
19 determination for pre-exposure prophylaxis used to prevent HIV
20 infection. Nothing in this subsection shall prohibit a corporation
21 organized under this article from denying a claim for such services if
22 the services are subsequently determined not medically necessary.

23 § 4. This act shall take effect on the one hundred eightieth day after
24 it shall have become a law.

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

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