

# STATE OF NEW YORK

3227--A

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 -- recommitted to the Committee on Health in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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 Assembly, do enact as follows:

1 Section 1. Section 4406-c of the public health law is amended by  
2 adding a new subdivision 14 to read as follows:

3 14. A health care plan which provides prescription drug coverage shall  
4 not require a prior authorization determination for pre-exposure prophylaxis  
5 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

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

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1 organized under this article from denying a claim for such services if  
2 the services are subsequently determined not medically necessary.  
3 § 4. This act shall take effect on the one hundred eightieth day after  
4 it shall have become a law.