

STATE OF NEW YORK

5380

2023-2024 Regular Sessions

IN SENATE

March 3, 2023

Introduced by Sen. HARCKHAM -- read twice and ordered printed, and when printed to be committed to the Committee on Insurance

AN ACT to amend the insurance law, in relation to requiring health insurers to provide coverage for opioid antagonists and devices

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) (i) Every policy which provides coverage for prescription
4 drugs shall include coverage for at least one opioid antagonist and
5 device. Prior authorization may be required for non-generic forms of
6 opioid antagonists and devices.

7 (ii) As used in this paragraph "opioid antagonist and device" means a
8 drug approved by the food and drug administration that, when adminis-
9 tered, negates or neutralizes in whole or in part the pharmacological
10 effects of an opioid in the body. "Opioid antagonist" shall be limited
11 to naloxone and other medications approved by the department of health
12 for such purpose.

13 (B) The coverage mandated by this paragraph shall include opioid
14 antagonists prescribed or dispensed via standing order or collaborative
15 practice agreement intended for use on patients other than the insured.

16 (C) Coverage provided under this paragraph may be subject to annual
17 deductibles and co-insurance as deemed appropriate by the superintendent
18 and that are consistent with those imposed on other benefits within a
19 given policy.

20 § 2. Subsection (1) of section 3221 of the insurance law is amended by
21 adding a new paragraph 7-c to read as follows:

22 (7-c) (A) (i) Every policy which provides coverage for prescription
23 drugs shall include coverage for at least one opioid antagonist and
24 device. Prior authorization may be required for non-generic forms of
25 opioid antagonists and devices.

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

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1 (ii) As used in this paragraph "opioid antagonist and device" means a
2 drug approved by the food and drug administration that, when adminis-
3 tered, negates or neutralizes in whole or in part the pharmacological
4 effects of an opioid in the body. "Opioid antagonist" shall be limited
5 to naloxone and other medications approved by the department of health
6 for such purpose.

7 (B) The coverage mandated by this paragraph shall include opioid
8 antagonists prescribed or dispensed via standing order or collaborative
9 practice agreement intended for use on patients other than the insured.

10 (C) Coverage provided under this paragraph may be subject to annual
11 deductibles and co-insurance as deemed appropriate by the superintendent
12 and that are consistent with those imposed on other benefits within a
13 given policy.

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

16 (uu) (1) (A) Every policy which provides coverage for prescription
17 drugs shall include coverage for at least one opioid antagonist and
18 device. Prior authorization may be required for non-generic forms of
19 opioid antagonists and devices.

20 (B) As used in this subsection "opioid antagonist and device" means a
21 drug approved by the food and drug administration that, when adminis-
22 tered, negates or neutralizes in whole or in part the pharmacological
23 effects of an opioid in the body. "Opioid antagonist" shall be limited
24 to naloxone and other medications approved by the department of health
25 for such purpose.

26 (2) Coverage provided under this subsection may be subject to annual
27 deductibles and co-insurance as deemed appropriate by the superintendent
28 and that are consistent with those imposed on other benefits within a
29 given policy.

30 § 4. This act shall take effect on the thirtieth day after it shall
31 have become a law.