

STATE OF NEW YORK

8367--B

IN SENATE

January 23, 2024

Introduced by Sen. HOYLMAN-SIGAL -- read twice and ordered printed, and when printed to be committed to the Committee on Insurance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee -- 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

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

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1 required to use such program before using coverage required pursuant to
2 this paragraph.

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

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

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

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

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

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

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