

STATE OF NEW YORK

10926

IN ASSEMBLY

April 9, 2026

Introduced by M. of A. PAULIN, LASHER, DINOWITZ, ANDERSON, BORES, BURDICK, CRUZ, DAVILA, DE LOS SANTOS, DILAN, FORREST, GALLAGHER, GLICK, GONZALEZ-ROJAS, HEVESI, HOOKS, KELLES, LEE, LEVENBERG, LUNSFORD, MITAYNES, MORENO, OTIS, POWERS, RAGA, RAMOS, REYES, ROSENTHAL, ROZIC, SAYEGH, SEAWRIGHT, SEPTIMO, SHIMSKY, SHRESTHA, SIMON, SIMONE, TAPIA, TORRES, WEPRIN -- read once and referred to the Committee on Health

AN ACT to amend the public health law and the social services law, in relation to coverage for New Yorkers losing insurance due to the implementation of HR 1

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

1 Section 1. Title 7 of article 2 of the public health law is amended by
2 adding a new section 268-i to read as follows:

3 § 268-i. State premium assistance program. No later than January
4 first, two thousand twenty-seven, the marketplace shall establish and
5 administer a state premium assistance program that offers equivalent
6 financial assistance to individuals who are lawfully present in the
7 United States and who are ineligible for the basic health program,
8 premium tax credits, or cost sharing reductions, based on their immi-
9 gration status. The state premium assistance program shall offer equiv-
10 alent levels of assistance as the federal premium tax credits and cost-
11 sharing reductions based on the enrollees' incomes.

12 § 2. Paragraph (d) of subdivision 3 of section 369-gg of the social
13 services law, as separately amended by section 2 of part BBB of chapter
14 56 and section 86 of chapter 669 of the laws of 2022, is amended to read
15 as follows:

16 (d) (i) except as provided by [~~subparagraph (ii)~~] subparagraphs (iv)
17 and (v) of this paragraph, has household income at or below two hundred
18 percent of the federal poverty line defined and annually revised by the
19 United States department of health and human services for a household of
20 the same size; and has household income that exceeds one hundred thir-
21 ty-three percent of the federal poverty line defined and annually
22 revised by the United States department of health and human services for

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

LBD15269-03-6

1 a household of the same size; however, MAGI eligible noncitizens
2 lawfully present in the United States with household incomes at or below
3 one hundred thirty-three percent of the federal poverty line shall be
4 eligible to receive coverage for health care services pursuant to the
5 provisions of this title if such noncitizen would be ineligible for
6 medical assistance under title eleven of this article due to their immi-
7 gration status;

8 ~~(ii) [subject to federal approval and the use of state funds, unless
9 the commissioner may use funds under subdivision seven of this section,
10 has household income at or below two hundred fifty percent of the feder-
11 al poverty line defined and annually revised by the United States
12 department of health and human services for a household of the same
13 size, and has household income that exceeds one hundred thirty three
14 percent of the federal poverty line defined and annually revised by the
15 United States department of health and human services for a household of
16 the same size, however, MAGI eligible aliens lawfully present in the
17 United States with household incomes at or below one hundred thirty-
18 three percent of the federal poverty line shall be eligible to receive
19 coverage for health care services pursuant to the provisions of this
20 title if such alien would be ineligible for medical assistance under
21 title eleven of this article due to their immigration status];~~

22 ~~(iii)]~~ subject to federal approval if required and the use of state
23 funds, unless the commissioner may use funds under subdivision seven of
24 this section, a pregnant individual who is eligible for and receiving
25 coverage for health care services pursuant to this title is eligible to
26 continue to receive health care services pursuant to this title during
27 the pregnancy and for a period of one year following the end of the
28 pregnancy without regard to any change in the income of the household
29 that includes the pregnant individual, even if such change would render
30 the pregnant individual ineligible to receive health care services
31 pursuant to this title;

32 ~~[(iv)]~~ (iii) subject to federal approval, a child born to an individ-
33 ual eligible for and receiving coverage for health care services pursu-
34 ant to this title who would be eligible for coverage pursuant to subpar-
35 agraphs ~~[(2)]~~ two or ~~[(4)]~~ four of paragraph (b) of subdivision ~~[1]~~ one
36 of section three hundred ~~[and]~~ sixty-six of ~~[the social services law]~~
37 this article shall be deemed to have applied for medical assistance and
38 to have been found eligible for such assistance on the date of such
39 birth and to remain eligible for such assistance for a period of one
40 year~~[-]~~;

41 (iv) subject to the use of state funds, an individual who is perma-
42 rently residing in New York state under color of law with a household
43 income between one hundred thirty-three and two hundred percent of the
44 federal poverty line shall be eligible to receive coverage for health
45 care services pursuant to this title regardless of the availability of
46 federal funding;

47 (v) subject to the use of state funds, an individual who is a citizen,
48 or lawfully present, or is permanently residing under color of law with
49 a household income between two hundred and two hundred fifty percent of
50 the federal poverty line shall be eligible to receive coverage for
51 health care services pursuant to this title regardless of the availabil-
52 ity of federal funding.

53 An applicant who fails to make an applicable premium payment, if any,
54 shall lose eligibility to receive coverage for health care services in
55 accordance with time frames and procedures determined by the commission-
56 er.

1 § 2-a. Paragraph (d) of subdivision 3 of section 369-gg of the social
2 services law, as separately amended by section 3 of part BBB of chapter
3 56 and section 86-a of chapter 669 of the laws of 2022, is amended to
4 read as follows:

5 (d) (i) except as provided by [~~subparagraph (ii)~~] subparagraphs (iv)
6 and (v) of this paragraph, has household income at or below two hundred
7 percent of the federal poverty line defined and annually revised by the
8 United States department of health and human services for a household of
9 the same size; and has household income that exceeds one hundred thir-
10 ty-three percent of the federal poverty line defined and annually
11 revised by the United States department of health and human services for
12 a household of the same size; however, MAGI eligible noncitizens
13 lawfully present in the United States with household incomes at or below
14 one hundred thirty-three percent of the federal poverty line shall be
15 eligible to receive coverage for health care services pursuant to the
16 provisions of this title if such noncitizen would be ineligible for
17 medical assistance under title eleven of this article due to their immi-
18 gration status;

19 (ii) [~~subject to federal approval and the use of state funds, unless~~
20 ~~the commissioner may use funds under subdivision seven of this section,~~
21 ~~has household income at or below two hundred fifty percent of the feder-~~
22 ~~al poverty line defined and annually revised by the United States~~
23 ~~department of health and human services for a household of the same~~
24 ~~size, and has household income that exceeds one hundred thirty-three~~
25 ~~percent of the federal poverty line defined and annually revised by the~~
26 ~~United States department of health and human services for a household of~~
27 ~~the same size, however, MAGI eligible aliens lawfully present in the~~
28 ~~United States with household incomes at or below one hundred thirty-~~
29 ~~three percent of the federal poverty line shall be eligible to receive~~
30 ~~coverage for health care services pursuant to the provisions of this~~
31 ~~title if such alien would be ineligible for medical assistance under~~
32 ~~title eleven of this article due to their immigration status,~~

33 ~~(iii)~~] subject to federal approval if required and the use of state
34 funds, unless the commissioner may use funds under subdivision seven of
35 this section, a pregnant individual who is eligible for and receiving
36 coverage for health care services pursuant to this title is eligible to
37 continue to receive health care services pursuant to this title during
38 the pregnancy and for a period of one year following the end of the
39 pregnancy without regard to any change in the income of the household
40 that includes the pregnant individual, even if such change would render
41 the pregnant individual ineligible to receive health care services
42 pursuant to this title;

43 [~~(iv)~~] (iii) subject to federal approval, a child born to an individ-
44 ual eligible for and receiving coverage for health care services pursu-
45 ant to this title who would be eligible for coverage pursuant to subpar-
46 agraphs [~~(2)~~] two or [~~(4)~~] four of paragraph (b) of subdivision [~~1~~] one
47 of section three hundred [~~and~~] sixty-six of [~~the social services law~~]
48 this article shall be deemed to have applied for medical assistance and
49 to have been found eligible for such assistance on the date of such
50 birth and to remain eligible for such assistance for a period of one
51 year[~~;~~];

52 (iv) subject to the use of state funds, an individual who is perma-
53 rently residing in New York state under color of law with a household
54 income between one hundred thirty-three and two hundred percent of the
55 federal poverty line shall be eligible to receive coverage for health

1 care services pursuant to this title regardless of the availability of
2 federal funding;

3 (v) subject to the use of state funds, an individual who is a citizen,
4 or lawfully present, or is permanently residing under color of law with
5 a household income between two hundred and two hundred fifty percent of
6 the federal poverty line shall be eligible to receive coverage for
7 health care services pursuant to this title regardless of the availabil-
8 ity of federal funding.

9 An applicant who fails to make an applicable premium payment shall
10 lose eligibility to receive coverage for health care services in accord-
11 ance with time frames and procedures determined by the commissioner.

12 § 3. Paragraph (b) of subdivision 5 of section 369-gg of the social
13 services law, as amended by section 7-a of part BBB of chapter 56 of the
14 laws of 2022, is amended to read as follows:

15 (b) The commissioner shall establish [~~cost-sharing~~] cost-sharing obli-
16 gations for enrollees, subject to federal approval; provided federal
17 approval shall not be required for individuals receiving state funded
18 coverage for health services. There shall be no cost-sharing obligations
19 for enrollees for dental and vision services as defined in subparagraph
20 (ii) of paragraph (c) of subdivision one of this section; services and
21 supports as defined in subparagraph (iii) of paragraph (c) of subdivi-
22 sion one of this section; and health care services authorized under
23 subparagraphs (ii) and (iii) [~~and (iv)~~] of paragraph (d) of subdivi-
24 sion three of this section.

25 § 3-a. The opening paragraph of paragraph (a) and paragraph (b) of
26 subdivision 5 of section 369-gg of the social services law, the opening
27 paragraph of paragraph (a) as amended by section 51 of part C of chapter
28 60 of the laws of 2014, and paragraph (b) as amended by section 7-b of
29 part BBB of chapter 56 of the laws of 2022, are amended to read as
30 follows:

31 Subject to federal approval, the commissioner shall establish premium
32 payments enrollees shall pay to approved organizations for coverage of
33 health care services pursuant to this title; provided federal approval
34 shall not be required for individuals receiving state funded coverage
35 for health services. Such premium payments shall be established in the
36 following manner:

37 (b) The commissioner shall establish [~~cost-sharing~~] cost-sharing obli-
38 gations for enrollees, subject to federal approval; provided federal
39 approval shall not be required for individuals receiving state funded
40 coverage for health services. There shall be no cost-sharing obligations
41 for services and supports as defined in subparagraph (iii) of paragraph
42 (c) of subdivision one of this section; and health care services author-
43 ized under subparagraphs (ii) and (iii) [~~and (iv)~~] of paragraph (d) of
44 subdivision three of this section.

45 § 4. Subdivision 7 of section 369-gg of the social services law, as
46 amended by section 2 of part H of chapter 57 of the laws of 2021, is
47 amended to read as follows:

48 7. Any funds transferred by the secretary of health and human services
49 to the state pursuant to 42 U.S.C. 18051(d) shall be deposited in trust.
50 Funds from the trust shall be used for providing health benefits through
51 an approved organization, which, at a minimum, shall include essential
52 health benefits as defined in 42 U.S.C. 18022(b); to reduce the premi-
53 ums, if any, and [~~cost-sharing~~] cost-sharing of participants in the
54 basic health program[~~, or for such other purposes as may be allowed by~~
55 ~~the secretary of health and human services~~]. Health benefits available
56 through the basic health program shall be provided by one or more

1 approved organizations pursuant to an agreement with the department of
2 health and shall meet the requirements of applicable federal and state
3 laws and regulations.

4 § 4-a. Subdivision 7 of section 369-gg of the social services law, as
5 amended by section 51 of part C of chapter 60 of the laws of 2014, and
6 as renumbered by section 28 of part B of chapter 57 of the laws of 2015,
7 is amended to read as follows:

8 7. Any funds transferred by the secretary of health and human services
9 to the state pursuant to 42 U.S.C. 18051(d) shall be deposited in trust.
10 Funds from the trust shall be used for providing health benefits through
11 an approved organization, which, at a minimum, shall include essential
12 health benefits as defined in 42 U.S.C. 18022(b); to reduce the premiums
13 and [~~cost-sharing~~] ~~cost-sharing~~ of participants in the basic health
14 program; or for such other purposes as may be allowed by the secretary
15 of health and human services. Health benefits available through the
16 basic health program shall be provided by one or more approved organiza-
17 tions pursuant to an agreement with the department of health and shall
18 meet the requirements of applicable federal and state laws and regu-
19 lations.

20 § 5. This act shall take effect July 1, 2026; provided however that
21 the amendments to paragraph (d) of subdivision three of section 369-gg
22 of the social services law made by section two of this act shall be
23 subject to the expiration and reversion of such paragraph pursuant to
24 section 3 of part H of chapter 57 of the laws of 2021, as amended, when
25 upon such date the provisions of section two-a of this act shall take
26 effect; provided further that the amendments to paragraph (b) of subdi-
27 vision five of section 369-gg of the social services law made by section
28 three of this act shall be subject to the expiration and reversion of
29 such paragraph pursuant to section 3 of part H of chapter 57 of the laws
30 of 2021, as amended, when upon such date the provisions of section
31 three-a of this act shall take effect; provided further that the amend-
32 ments to subdivision seven of section 369-gg of the social services law
33 made by section four of this act shall be subject to the expiration and
34 reversion of such paragraph pursuant to section 3 of part H of chapter
35 57 of the laws of 2021, as amended, when upon such date the provisions
36 of section four-a of this act shall take effect.