

# STATE OF NEW YORK

2443

2025-2026 Regular Sessions

## IN ASSEMBLY

January 17, 2025

Introduced by M. of A. YEGER -- read once and referred to the Committee on Insurance

AN ACT to amend the insurance law, in relation to requiring health insurance plans to provide coverage for epinephrine auto-injector devices

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

1 Section 1. Subparagraph (A) of paragraph 39 of subsection (i) of  
2 section 3216 of the insurance law, as added by a chapter of the laws of  
3 2024 amending the insurance law relating to requiring health insurance  
4 plans to provide coverage for epinephrine auto-injector devices, as  
5 proposed in legislative bills numbers S. 7114-A and A. 6425-A, is  
6 amended to read as follows:

7 (A) Every insurer issuing a policy of accident and health insurance  
8 delivered or issued for delivery in this state which provides major  
9 medical or similar comprehensive-type coverage and provides coverage for  
10 prescription drugs shall include coverage for [~~, at a minimum, two~~]  
11 medically necessary epinephrine auto-injector devices for the emergency  
12 treatment of life-threatening allergic reactions. Such coverage may be  
13 subject to annual deductibles and coinsurance as may be deemed appro-  
14 priate by the superintendent [~~and as are consistent with those estab-~~  
15 ~~lished for other benefits within a given policy~~]; provided however, the  
16 total amount that [~~a covered person~~] an insured is required to pay out-  
17 of-pocket for such devices shall be capped at an amount not to exceed  
18 one hundred dollars annually regardless of the insured's deductible,  
19 copayment, coinsurance or any other cost-sharing requirement. If under  
20 federal law, application of [~~this requirement~~] the annual cap would  
21 result in health savings account ineligibility under 26 USC 223, [~~this~~  
22 ~~requirement shall apply for health savings account qualified high~~  
23 ~~deductible health plans with respect to the deductible of such a plan~~  
24 ~~after the enrollee has satisfied the minimum deductible under 26 USC~~

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

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1 ~~223~~ such coverage may be subject to the plan's annual deductible,  
2 except for with respect to items or services that are preventive  
3 care pursuant to 26 USC 223(c)(2)(C), in which case the require-  
4 ments of this paragraph shall apply regardless of whether the minimum  
5 deductible under 26 USC 223 has been satisfied.

6 § 2. Subparagraph (A) of paragraph 23 of subsection (k) of section  
7 3221 of the insurance law, as added by a chapter of the laws of 2024  
8 amending the insurance law relating to requiring health insurance plans  
9 to provide coverage for epinephrine auto-injector devices, as proposed  
10 in legislative bills numbers S. 7114-A and A. 6425-A, is amended to read  
11 as follows:

12 (A) Every group or blanket policy of accident and health insurance  
13 delivered or issued for delivery in this state which provides [~~medical~~  
14 ~~coverage that includes coverage for physician services in a physician's~~  
15 ~~office and every policy which provides~~] major medical or similar compre-  
16 hensive-type coverage and provides coverage for prescription drugs shall  
17 provide coverage for[~~, at a minimum, two~~] medically necessary epineph-  
18 rine auto-injector devices for the emergency treatment of life-threaten-  
19 ing allergic reactions. Such coverage may be subject to annual deduct-  
20 ibles and coinsurance as may be deemed appropriate by the superintendent  
21 [~~and as are consistent with those established for other benefits within~~  
22 ~~a given policy~~]; provided however, the total amount that [~~a covered~~  
23 ~~person~~] an insured is required to pay out-of-pocket for such devices  
24 shall be capped at an amount not to exceed one hundred dollars annually  
25 regardless of the insured's deductible, copayment, coinsurance or any  
26 other cost-sharing requirement. If under federal law, application  
27 of [~~this requirement~~] the annual cap would result in health savings  
28 account ineligibility under 26 USC 223, [~~this requirement shall~~  
29 ~~apply for health savings account-qualified high deductible~~  
30 ~~health plans with respect to the deductible of such a plan after the~~  
31 ~~enrollee has satisfied the minimum deductible under 26 USC 223~~]  
32 such coverage may be subject to the plan's annual deductible, except  
33 for with respect to items or services that are preventive care pursu-  
34 ant to 26 USC 223(c)(2)(C), in which case the requirements of this  
35 paragraph shall apply regardless of whether the minimum deductible  
36 under 26 USC 223 has been satisfied.

37 § 3. Paragraph 1 of subsection (vv) of section 4303 of the insurance  
38 law, as added by a chapter of the laws of 2024 amending the insurance  
39 law relating to requiring health insurance plans to provide coverage for  
40 epinephrine auto-injector devices, as proposed in legislative bills  
41 numbers S. 7114-A and A. 6425-A, is amended to read as follows:

42 (1) Every medical expense indemnity corporation, hospital service  
43 corporation and health service corporation which provides [~~medical~~  
44 ~~coverage that includes coverage for physician services in a physician's~~  
45 ~~office and every policy which provides~~] major medical or similar compre-  
46 hensive-type coverage and provides coverage for prescription drugs shall  
47 provide coverage for[~~, at a minimum, two~~] medically necessary epineph-  
48 rine auto-injector devices for the emergency treatment of life-threaten-  
49 ing allergic reactions. Such coverage may be subject to annual deduct-  
50 ibles and coinsurance as may be deemed appropriate by the  
51 superintendent [~~and as are consistent with those established for other~~  
52 ~~benefits within a given policy~~]; provided however, the total amount that  
53 [~~a covered person~~] an insured is required to pay out-of-pocket for such  
54 devices shall be capped at an amount not to exceed one hundred dollars  
55 annually regardless of the insured's deductible, copayment, coinsurance  
56 or any other cost-sharing requirement. If under federal law, applica-

1 tion of [~~this requirement~~] the annual cap would result in health  
2 savings account ineligibility under 26 USC 223, [~~this requirement~~  
3 ~~shall apply for health savings account qualified high deduct-~~  
4 ~~ible health plans with respect to the deductible of such a plan~~  
5 ~~after the enrollee has satisfied the minimum deductible under 26~~  
6 ~~USC 223~~] such coverage may be subject to the plan's annual deductible,  
7 except for with respect to items or services that are preventive care  
8 pursuant to 26 USC 223(c)(2)(C), in which case the requirements of  
9 this paragraph shall apply regardless of whether the minimum deductible  
10 under 26 USC 223 has been satisfied.

11 § 4. This act shall take effect on the same date and in the same  
12 manner as a chapter of the laws of 2024 amending the insurance law  
13 relating to requiring health insurance plans to provide coverage for  
14 epinephrine auto-injector devices, as proposed in legislative bills  
15 numbers S. 7114-A and A. 6425-A, takes effect.