

STATE OF NEW YORK

5367--A

2025-2026 Regular Sessions

IN ASSEMBLY

February 13, 2025

Introduced by M. of A. WEPRIN -- read once and referred to the Committee on Insurance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the insurance law, in relation to high deductible health plans and health savings accounts

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

1 Section 1. Section 3216 of the insurance law is amended by adding a
2 new subsection (n) to read as follows:

3 (n) With respect to high deductible health plans offered in conjunc-
4 tion with a health reimbursement account or a health savings account, if
5 application of any cost sharing requirements would result in health
6 savings account ineligibility under section two hundred twenty-three of
7 the internal revenue code, such cost sharing requirement shall apply for
8 health savings account-qualified high deductible health plans with
9 respect to the deductible of such a plan, only after the enrollee has
10 satisfied the minimum deductible under section two hundred twenty-three
11 of the internal revenue code, except with respect to items or services
12 that are considered preventive care pursuant to subparagraph (C) of
13 paragraph two of subsection c of section two hundred twenty-three of the
14 internal revenue code, in which case the cost-sharing requirements of
15 this section shall apply regardless of whether the minimum deductible
16 required under section two hundred twenty-three of the internal revenue
17 code has been satisfied.

18 § 2. Section 3221 of the insurance law is amended by adding a new
19 subsection (v) to read as follows:

20 (v) With respect to high deductible health plans offered in conjunc-
21 tion with a health reimbursement account or a health savings account, if
22 application of any cost sharing requirements would result in health
23 savings account ineligibility under section two hundred twenty-three of
24 the internal revenue code, such cost sharing requirement shall apply for

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

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1 health savings account-qualified high deductible health plans with
2 respect to the deductible of such a plan, only after the enrollee has
3 satisfied the minimum deductible under section two hundred twenty-three
4 of the internal revenue code, except with respect to items or services
5 that are considered preventive care pursuant to subparagraph (C) of
6 paragraph two of subsection c of section two hundred twenty-three of the
7 internal revenue code, in which case the cost-sharing requirements of
8 this section shall apply regardless of whether the minimum deductible
9 required under section two hundred twenty-three of the internal revenue
10 code has been satisfied.

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

13 (ww) With respect to high deductible health plans offered in conjunc-
14 tion with a health reimbursement account or a health savings account, if
15 application of any cost sharing requirements would result in health
16 savings account ineligibility under section two hundred twenty-three of
17 the internal revenue code, such cost sharing requirement shall apply for
18 health savings account-qualified high deductible health plans with
19 respect to the deductible of such a plan, only after the enrollee has
20 satisfied the minimum deductible under section two hundred twenty-three
21 of the internal revenue code, except with respect to items or services
22 that are considered preventive care pursuant to subparagraph (C) of
23 paragraph two of subsection c of section two hundred twenty-three of the
24 internal revenue code, in which case the cost-sharing requirements of
25 this section shall apply regardless of whether the minimum deductible
26 required under section two hundred twenty-three of the internal revenue
27 code has been satisfied.

28 § 4. This act shall take effect immediately.