

STATE OF NEW YORK

6917

2025-2026 Regular Sessions

IN ASSEMBLY

March 18, 2025

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

AN ACT to amend the insurance law, in relation to requiring certain health insurance policies include coverage services provided by pharmacists related to contraceptives

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

1 Section 1. Clause (v) of subparagraph (E) of paragraph 17 of
2 subsection (i) of section 3216 of the insurance law, as amended by
3 section 3 of part M of chapter 57 of the laws of 2019, is amended to
4 read as follows:

5 (v) all FDA-approved contraceptive drugs, devices, and other products,
6 including all over-the-counter contraceptive drugs, devices, and
7 products as prescribed or as otherwise authorized under state or federal
8 law; voluntary sterilization procedures pursuant to 42 U.S.C. 18022 and
9 identified in the comprehensive guidelines supported by the health
10 resources and services administration and thereby incorporated in the
11 essential health benefits benchmark plan; patient education and coun-
12 seling on contraception; and follow-up services related to the drugs,
13 devices, products, and procedures covered under this clause, including,
14 but not limited to, management of side effects, counseling for continued
15 adherence, and device insertion and removal. Except as otherwise author-
16 ized under this clause, a contract shall not impose any restrictions or
17 delays on the coverage required under this clause. However, where the
18 FDA has approved one or more therapeutic and pharmaceutical equivalent,
19 as defined by the FDA, versions of a contraceptive drug, device, or
20 product, a contract is not required to include all such therapeutic and
21 pharmaceutical equivalent versions in its formulary, so long as at least
22 one is included and covered without cost-sharing and in accordance with
23 this clause. If the covered therapeutic and pharmaceutical equivalent
24 versions of a drug, device, or product are not available or are deemed

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

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1 medically inadvisable a contract shall provide coverage for an alternate
2 therapeutic and pharmaceutical equivalent version of the contraceptive
3 drug, device, or product without cost-sharing.

4 (a) This coverage shall include emergency contraception without cost
5 sharing when provided pursuant to a prescription, or order under section
6 sixty-eight hundred thirty-one of the education law or when lawfully
7 provided over-the-counter.

8 (b) If the attending health care provider, in [~~his or her~~] their
9 reasonable professional judgment, determines that the use of a non-cov-
10 ered therapeutic or pharmaceutical equivalent of a drug, device, or
11 product is warranted, the health care provider's determination shall be
12 final. The superintendent shall promulgate regulations establishing a
13 process, including timeframes, for an insured, an insured's designee or
14 an insured's health care provider to request coverage of a non-covered
15 contraceptive drug, device, or product. Such regulations shall include a
16 requirement that insurers use an exception form that shall meet criteria
17 established by the superintendent.

18 (c) This coverage must allow for the dispensing of up to twelve months
19 worth of a contraceptive at one time.

20 (d) This coverage shall provide for reimbursement to a pharmacist who
21 prescribes and dispenses contraceptive drugs, devices, and other
22 products and services the same as any other health care provider.

23 (e) For the purposes of this clause, "over-the-counter contraceptive
24 products" shall mean those products provided for in comprehensive guide-
25 lines supported by the health resources and services administration as
26 of January twenty-first, two thousand nineteen.

27 § 2. Subparagraph (A) of paragraph 16 of subsection (1) of section
28 3221 of the insurance law, as amended by section 1 of part M of chapter
29 57 of the laws of 2019, is amended to read as follows:

30 (A) Every group or blanket policy that provides medical, major
31 medical, or similar comprehensive type coverage [~~that is issued,~~
32 ~~amended, renewed, effective or delivered on or after January first, two~~
33 ~~thousand twenty,~~] shall provide coverage for all of the following
34 services and contraceptive methods:

35 (1) All FDA-approved contraceptive drugs, devices, and other products.
36 This includes all FDA-approved over-the-counter contraceptive drugs,
37 devices, and products as prescribed or as otherwise authorized under
38 state or federal law. The following applies to this coverage:

39 (a) where the FDA has approved one or more therapeutic and pharmaceu-
40 tical equivalent, as defined by the FDA, versions of a contraceptive
41 drug, device, or product, a group or blanket policy is not required to
42 include all such therapeutic and pharmaceutical equivalent versions in
43 its formulary, so long as at least one is included and covered without
44 cost-sharing and in accordance with this paragraph;

45 (b) if the covered therapeutic and pharmaceutical equivalent versions
46 of a drug, device, or product are not available or are deemed medically
47 inadvisable a group or blanket policy shall provide coverage for an
48 alternate therapeutic and pharmaceutical equivalent version of the
49 contraceptive drug, device, or product without cost-sharing. If the
50 attending health care provider, in [~~his or her~~] their reasonable profes-
51 sional judgment, determines that the use of a non-covered therapeutic or
52 pharmaceutical equivalent of a drug, device, or product is warranted,
53 the health care provider's determination shall be final. The superinten-
54 dent shall promulgate regulations establishing a process, including
55 timeframes, for an insured, an insured's designee or an insured's health
56 care provider to request coverage of a non-covered contraceptive drug,

1 device, or product. Such regulations shall include a requirement that
2 insurers use an exception form that shall meet criteria established by
3 the superintendent;

4 (c) this coverage shall include emergency contraception without cost-
5 sharing when provided pursuant to a prescription or order under section
6 sixty-eight hundred thirty-one of the education law or when lawfully
7 provided over the counter; ~~and~~

8 (d) this coverage must allow for the dispensing of up to twelve months
9 worth of a contraceptive at one time; ~~and~~

10 (e) this coverage shall provide for reimbursement to a pharmacist who
11 prescribes and dispenses contraceptive drugs, devices, and other
12 products and services the same as any other health care provider;

13 (2) Voluntary sterilization procedures pursuant to 42 U.S.C. 18022 and
14 identified in the comprehensive guidelines supported by the health
15 resources and services administration and thereby incorporated in the
16 essential health benefits benchmark plan;

17 (3) Patient education and counseling on contraception; and

18 (4) Follow-up services related to the drugs, devices, products, and
19 procedures covered under this paragraph, including, but not limited to,
20 management of side effects, counseling for continued adherence, and
21 device insertion and removal.

22 § 3. The opening paragraph and subparagraph (A) of paragraph 1 of
23 subsection (cc) of section 4303 of the insurance law, as amended by
24 section 2 of part M of chapter 57 of the laws of 2019, are amended to
25 read as follows:

26 Every contract that provides medical, major medical, or similar
27 comprehensive type coverage [~~that is issued, amended, renewed, effective~~
28 ~~or delivered on or after January first, two thousand twenty,~~] shall
29 provide coverage for all of the following services and contraceptive
30 methods:

31 (A) All FDA-approved contraceptive drugs, devices, and other products.
32 This includes all FDA-approved over-the-counter contraceptive drugs,
33 devices, and products as prescribed or as otherwise authorized under
34 state or federal law. The following applies to this coverage:

35 (i) where the FDA has approved one or more therapeutic and pharmaceu-
36 tical equivalent, as defined by the FDA, versions of a contraceptive
37 drug, device, or product, a contract is not required to include all such
38 therapeutic and pharmaceutical equivalent versions in its formulary, so
39 long as at least one is included and covered without cost-sharing and in
40 accordance with this subsection;

41 (ii) if the covered therapeutic and pharmaceutical equivalent versions
42 of a drug, device, or product are not available or are deemed medically
43 inadvisable a contract shall provide coverage for an alternate therapeu-
44 tic and pharmaceutical equivalent version of the contraceptive drug,
45 device, or product without cost-sharing. If the attending health care
46 provider, in [~~his or her~~] their reasonable professional judgment, deter-
47 mines that the use of a non-covered therapeutic or pharmaceutical equiv-
48 alent of a drug, device, or product is warranted, the health care
49 provider's determination shall be final. The superintendent shall
50 promulgate regulations establishing a process, including timeframes, for
51 an insured, an insured's designee or an insured's health care provider
52 to request coverage of a non-covered contraceptive drug, device, or
53 product. Such regulations shall include a requirement that insurers use
54 an exception form that shall meet criteria established by the super-
55 intendent;

1 (iii) this coverage shall include emergency contraception without
2 cost-sharing when provided pursuant to a prescription or order under
3 section sixty-eight hundred thirty-one of the education law or when
4 lawfully provided over the counter; [~~and~~]
5 (iv) this coverage must allow for the dispensing of up to twelve
6 months worth of a contraceptive at one time; and
7 (v) this coverage shall include reimbursement to a pharmacist who
8 prescribes and dispenses contraceptive drugs, devices, and other
9 products and services the same as any other health care provider;
10 § 4. This act shall take effect immediately and shall apply to poli-
11 cies and contracts issued, renewed, modified, altered or amended on and
12 after such date.