STATE OF NEW YORK

1804--A

2025-2026 Regular Sessions

IN SENATE

January 13, 2025

Introduced by Sens. RIVERA, ADDABBO, GONZALEZ, JACKSON -- 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

AN ACT to amend the insurance law, in relation to requiring coverage of certain asthma inhalers at no cost

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

Section 1. Subsection (i) of section 3216 of the insurance law is amended by adding a new paragraph 41 to read as follows:

(41) (A) Every policy which provides medical, major medical or similar comprehensive-type coverage and provides coverage for prescription drugs shall include coverage for inhalers for the treatment of asthma if prescribed by a physician or other licensed health care provider legally authorized to prescribe under title eight of the education law.

(B) Coverage shall be provided for one form of rescue and one form of maintenance inhaler that shall not be subject to a deductible, copayment, coinsurance or any other cost-sharing requirement.

(C) If the policy is a high deductible health plan as defined in section 223(c)(2) of the Internal Revenue Code of 1986, such coverage may be subject to the plan's annual deductible if application of this requirement would result in ineligibility for a health savings account.

§ 2. Subsection (l) of section 3221 of the insurance law is amended by adding a new paragraph 23 to read as follows:

(23) (A) Every group or blanket accident and health insurance policy issued or issued for delivery in this state which provides medical, major medical or similar comprehensive-type coverage and provides coverage for prescription drugs shall include coverage for inhalers for the treatment of asthma if prescribed by a physician or other licensed health care provider legally authorized to prescribe under title eight of the education law.

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

LBD00983-05-5

(B) Coverage shall be provided for one form of rescue and one form of maintenance inhaler that shall not be subject to a deductible, copayment, coinsurance or any other cost-sharing requirement.

(C) If the policy is a high deductible health plan as defined in section 223(c)(2) of the Internal Revenue Code of 1986, such coverage may be subject to the plan's annual deductible if application of this requirement would result in ineligibility for a health savings account.

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

(ww) (1) A medical expense indemnity corporation or a health service corporation which provides medical, major medical or similar comprehensive-type coverage and provides coverage for prescription drugs shall include coverage for inhalers for the treatment of asthma if prescribed by a physician or other licensed health care provider legally authorized to prescribe under title eight of the education law.

(2) Coverage shall be provided for one form of rescue and one form of maintenance inhaler that shall not be subject to a deductible, copayment, coinsurance or any other cost-sharing requirement.

(3) If the policy is a high deductible health plan as defined in section 223(c)(2) of the Internal Revenue Code of 1986, such coverage may be subject to the plan's annual deductible if application of this requirement would result in ineligibility for a health savings account.

§ 4. This act shall take effect January 1, 2027 and shall apply to all policies and contracts issued, renewed, modified, altered, or amended on or after such date.