

# STATE OF NEW YORK

760

2025-2026 Regular Sessions

## IN SENATE

(Prefiled)

January 8, 2025

Introduced by Sen. RIVERA -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

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~~

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

LBD02836-01-5

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

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

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

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

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

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

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