

STATE OF NEW YORK

128--A

2025-2026 Regular Sessions

IN ASSEMBLY

(Prefiled)

January 8, 2025

Introduced by M. of A. GONZALEZ-ROJAS, PAULIN, SAYEGH, EPSTEIN, HEVESI, SHRESTHA, SIMON, JACKSON, ZACCARO, LUNSFORD, DAVILA, DE LOS SANTOS, MAMDANI, RAGA, SHIMSKY, LASHER, TORRES, SIMONE, SOLAGES, LEVENBERG, BICHOTTE HERMELYN, STECK, CLARK, ROZIC, KAY, P. CARROLL, CUNNINGHAM, GALLAGHER, DINOWITZ, BURROUGHS, DAIS, REYES, HOOKS, FORREST, RAMOS, KASSAY -- 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 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:

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

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

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

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

15 § 2. Subsection (1) of section 3221 of the insurance law is amended by
16 adding a new paragraph 23 to read as follows:

17 (23) (A) Every group or blanket accident and health insurance policy
18 issued or issued for delivery in this state which provides medical,

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

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1 major medical or similar comprehensive-type coverage and provides cover-
2 age for prescription drugs shall include coverage for inhalers for the
3 treatment of asthma if prescribed by a physician or other licensed
4 health care provider legally authorized to prescribe under title eight
5 of the education law.

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

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

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

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

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

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

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