

# STATE OF NEW YORK

3973--A

2025-2026 Regular Sessions

## IN ASSEMBLY

January 30, 2025

Introduced by M. of A. McDONALD, JACOBSON, MANKTELOW, K. BROWN -- 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 prescription drug formulary coverage for interchangeable biologics and biosimilars

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

1 Section 1. Paragraph 4 of subsection (c-1) of section 4903 of the  
2 insurance law, as added by chapter 512 of the laws of 2016, is amended  
3 to read as follows:

4 (4) The insured is stable on a prescription drug or drugs selected by  
5 their health care professional for the medical condition under consider-  
6 ation, provided that this shall not prevent a utilization review agent  
7 from [~~requiring an insured to try an AB-rated generic equivalent prior~~  
8 ~~to providing coverage for the equivalent brand name prescription drug or~~  
9 ~~drugs, or~~]:

10 (i) requiring an insured to try an AB-rated generic equivalent or an  
11 interchangeable biological product prior to providing coverage for the  
12 equivalent brand name prescription drug or drugs, or

13 (ii) requiring an insured to try a biosimilar prior to providing  
14 coverage for the brand name prescription reference product drug or  
15 drugs.

16 § 2. Subparagraph (A) of paragraph 3 of subsection (c) of section 3242  
17 of the insurance law, as added by chapter 99 of the laws of 2022, is  
18 amended to read as follows:

19 (A) An insurer with a formulary that includes two or more tiers of  
20 benefits providing for different deductibles, copayments or coinsurance  
21 applicable to prescription drugs in each tier may move a prescription  
22 drug to a tier with a larger deductible, copayment or coinsurance if an  
23 AB-rated generic equivalent [~~or~~], an interchangeable biological product,

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

LBD03429-03-5

1 or biosimilar for such prescription drug is added to the formulary at  
2 the same time.

3 § 3. Subparagraph (A) of paragraph 3 of subsection (c) of section  
4 4329 of the insurance law, as added by chapter 99 of the laws of 2022,  
5 is amended to read as follows:

6 (A) A corporation with a formulary that includes two or more tiers of  
7 benefits providing for different deductibles, copayments or coinsurance  
8 applicable to prescription drugs in each tier may move a prescription  
9 drug to a tier with a larger deductible, copayment or coinsurance if an  
10 AB-rated generic equivalent ~~[or]~~, an interchangeable biological product,  
11 or biosimilar for such prescription drug is added to the formulary at  
12 the same time.

13 § 4. Subsection (c) of section 3242 of the insurance law, as added  
14 by chapter 99 of the laws of 2022, is relettered subsection (d).

15 § 5. Subsection (c) of section 4329 of the insurance law, as added by  
16 chapter 99 of the laws of 2022, is relettered subsection (d).

17 § 6. This act shall take effect immediately.