STATE OF NEW YORK

5367--A

2025-2026 Regular Sessions

IN ASSEMBLY

February 13, 2025

Introduced by M. of A. WEPRIN -- 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 high deductible health plans and health savings accounts

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

Section 1. Section 3216 of the insurance law is amended by adding a new subsection (n) to read as follows:

(n) With respect to high deductible health plans offered in conjunction with a health reimbursement account or a health savings account, if application of any cost sharing requirements would result in health savings account ineligibility under section two hundred twenty-three of the internal revenue code, such cost sharing requirement shall apply for health savings account-qualified high deductible health plans with respect to the deductible of such a plan, only after the enrollee has satisfied the minimum deductible under section two hundred twenty-three of the internal revenue code, except with respect to items or services that are considered preventive care pursuant to subparagraph (C) of paragraph two of subsection c of section two hundred twenty-three of the internal revenue code, in which case the cost-sharing requirements of this section shall apply regardless of whether the minimum deductible required under section two hundred twenty-three of the internal revenue code has been satisfied.

§ 2. Section 3221 of the insurance law is amended by adding a new subsection (v) to read as follows:

(v) With respect to high deductible health plans offered in conjunction with a health reimbursement account or a health savings account, if application of any cost sharing requirements would result in health savings account ineligibility under section two hundred twenty-three of the internal revenue code, such cost sharing requirement shall apply for

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

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health savings account-qualified high deductible health plans with respect to the deductible of such a plan, only after the enrollee has satisfied the minimum deductible under section two hundred twenty-three of the internal revenue code, except with respect to items or services that are considered preventive care pursuant to subparagraph (C) of paragraph two of subsection c of section two hundred twenty-three of the internal revenue code, in which case the cost-sharing requirements of this section shall apply regardless of whether the minimum deductible required under section two hundred twenty-three of the internal revenue code has been satisfied.

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

(ww) With respect to high deductible health plans offered in conjunction with a health reimbursement account or a health savings account, if application of any cost sharing requirements would result in health savings account ineligibility under section two hundred twenty-three of the internal revenue code, such cost sharing requirement shall apply for health savings account-qualified high deductible health plans with respect to the deductible of such a plan, only after the enrollee has satisfied the minimum deductible under section two hundred twenty-three of the internal revenue code, except with respect to items or services that are considered preventive care pursuant to subparagraph (C) of paragraph two of subsection c of section two hundred twenty-three of the internal revenue code, in which case the cost-sharing requirements of this section shall apply regardless of whether the minimum deductible required under section two hundred twenty-three of the internal revenue code has been satisfied.

§ 4. This act shall take effect immediately.