STATE OF NEW YORK

812

2025-2026 Regular Sessions

IN ASSEMBLY

(Prefiled)

January 8, 2025

Introduced by M. of A. PAULIN -- read once and referred to the Committee on Insurance

AN ACT to amend the insurance law, in relation to requiring certain types of insurance cover certain allergen introduction dietary supplements

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

Section 1. Paragraph 17 of subsection (i) of section 3216 of the insurance law is amended by adding a new subparagraph (G) to read as follows:

(G) In addition to subparagraph (A), (B), (C), (D), (E), or (F) of this paragraph, every policy that provides medical, major medical, or similar comprehensive-type coverage that provides coverage for the provision of preventative and primary care services shall provide coverage for at least one early egg allergen introduction dietary supplement and at least one early peanut allergen introduction dietary supplement. For the purposes of this subparagraph, the following terms shall have the following meanings:

(i) "early egg allergen introduction dietary supplement" means a dietary supplement as defined in Federal Food, Drug, and Cosmetic Act, 21 U.S.C.S. § 321 that contains sufficient infant-safe, well-cooked egg protein to reduce the risk of food allergies and is prescribed to an infant by a health care practitioner licensed, certified, or authorized under title eight of the education law, and acting within their lawful scope of practice.

(ii) "early peanut allergen introduction dietary supplement" means a dietary supplement as defined in Federal Food, Drug, and Cosmetic Act, 21 U.S.C.S. § 321 that contains sufficient infant-safe peanut protein to reduce the risk of food allergies and is prescribed to an infant by a health care practitioner licensed, certified, or authorized under title

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

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eight of the education law, and acting within their lawful scope of practice.

§ 2. Paragraph 8 of subsection (l) of section 3221 of the insurance law is amended by adding a new subparagraph (H) to read as follows:

(H) In addition to subparagraph (A), (B), (C), (D), (E), (F), or (G) of this paragraph, every group policy that provides medical, major medical, or similar comprehensive-type coverage that provides coverage for the provision of preventative and primary care services shall provide coverage for at least one early egg allergen introduction dietary supplement and at least one early peanut allergen introduction dietary supplement. For the purposes of this subparagraph the following terms have the following meanings:

(i) "early egg allergen introduction dietary supplement" means a dietary supplement as defined in Federal Food, Drug, and Cosmetic Act, 21 U.S.C.S. § 321 that contains sufficient infant-safe, well-cooked egg protein to reduce the risk of food allergies and is prescribed to an infant by a health care practitioner licensed, certified, or authorized under title eight of the education law, and acting within their lawful scope of practice.

(ii) "early peanut allergen introduction dietary supplement" means a dietary supplement as defined in Federal Food, Drug, and Cosmetic Act, 21 U.S.C.S. § 321 that contains sufficient infant-safe peanut protein to reduce the risk of food allergies and is prescribed to an infant by a health care practitioner licensed, certified, or authorized under title eight of the education law, and acting within their lawful scope of practice.

§ 3. Subsection (j) of section 4303 of the insurance law is amended by adding a new paragraph 5 to read as follows:

(5) In addition to paragraph one, two, three or four of this subsection, every policy that provides medical, major medical, or similar comprehensive-type coverage that provides coverage for the provision of preventative and primary care services shall provide coverage for at least one early egg allergen introduction dietary supplement and at least one early peanut allergen introduction dietary supplement. For the purposes of this subsection the following terms shall have the following meaning:

(A) "early egg allergen introduction dietary supplement" means a dietary supplement as defined in Federal Food, Drug, and Cosmetic Act, 21 U.S.C.S. § 321 that contains sufficient infant-safe, well-cooked egg protein to reduce the risk of food allergies and is prescribed to an infant by a health care practitioner licensed, certified, or authorized under title eight of the education law, and acting within their lawful scope of practice.

(B) "early peanut allergen introduction dietary supplement" means a dietary supplement as defined in Federal Food, Drug, and Cosmetic Act, 21 U.S.C.S. § 321 that contains sufficient infant-safe peanut protein to reduce the risk of food allergies and is prescribed to an infant by a health care practitioner licensed, certified, or authorized under title eight of the education law, and acting within their lawful scope of practice.

§ 4. This act shall take effect on the first of January next succeeding the date on which it shall have become a law and shall apply to all policies and contracts issued, renewed, modified, altered, or amended on or after such date.