STATE OF NEW YORK

9367

2025-2026 Regular Sessions

IN ASSEMBLY

December 19, 2025

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

AN ACT to amend the insurance law and the legislative law, in relation to creating the New York health benefit and cost commission; and to repeal section 213 of the insurance law relating thereto

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

Section 1. The insurance law is amended by adding a new section 3221-a to read as follows:

§ 3221-a. Health benefit and cost commission. (a) For the purposes of this section, "mandated health benefit" shall mean any requirement that individual, group or blanket accident and health insurance policies or contracts issued by hospital or health service corporations include:

(1) coverage for specific health services, treatment, tests, drugs, supplies, or equipment to diagnose or treat a particular disease or condition; and

(2) coverage for services of specific providers of health care services.

(b) There is hereby created a commission within the department, to be known as the "New York health benefit and cost commission" consisting of thirteen members to be appointed as follows: three to be appointed by the governor, three to be appointed by the temporary president of the senate, three to be appointed by the speaker of the assembly, and one each to be appointed by the minority leader of the senate and the assembly. The superintendent and the commissioner of health, or their designated representatives, shall also serve as members of the commission. The members shall elect a person to serve as chair.

(c) Each member shall serve for a term of four years. Vacancies shall be appointed in the same manner as original appointments. The members of the commission shall receive no compensation for their services but shall be allowed actual and necessary expenses incurred in the perform-

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

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ance of their duties. The commission may request and shall receive from any department, board, bureau, commission, office, agency, or other instrumentality of the state such facilities, assistance, and data as it deems necessary or desirable for the proper execution of its powers and duties. The commission may seek the assistance and advice of any person, organization, or entity as may be relevant or necessary and may hire or contract with any such person, organization, or entity. The commission shall have the power to hold public hearings and solicit testimony on any matter it deems relevant to carrying out its mission.

§ 2. The legislative law is amended by adding a new section 52-a to read as follows:

§ 52-a. Requirements with respect to bills affecting mandated health benefits. 1. For purposes of this section, the terms "mandated health benefits" shall have the same meanings that they have in section three thousand two hundred twenty-one-a of the insurance law.

2. In addition to any other fiscal note required, a bill that enacts or amends any law in relation to mandating health benefits shall be accompanied by an impact statement consisting of a fiscal note separately stating the estimated cost of the health benefits mandate in the bill for the first year it is to be in effect and for the next succeeding year, as well as a statement of the public purpose to be served by such mandate.

3. The commission shall conduct a review and public comment period and issue a report relating to legislation that would enact a mandated health benefit. Such issuance shall:

(a) consider and summarize all public comment and all scientific, medical, and actuarial data and information provided or obtained relating to the proposed mandated health benefit;

(b) report on public and patient health issues, including:

(i) the extent to which the proposed mandated health benefit is available and utilized by the state's population and the level of public demand for the benefit;

(ii) the extent to which the proposed mandated health benefit is already a covered health benefit;

(iii) if coverage is not generally available, the extent to which the lack of coverage results in persons being unable to obtain necessary health care and results in financial hardship for those needing such care;

(iv) projected utilization rates and access to service that would result from the proposed mandated health benefit;

(v) whether the proposed mandated health benefit is a medical or a broader social need and whether it is consistent with the role of health insurance and managed health care; and

(vi) the extent to which the proposed mandated health benefit is generally recognized by the medical community as being effective and efficacious, including appropriate review by scientific and medical peer review literature; and

(c) report on access to coverage and economic issues, including:

(i) the impact on premiums, rates, and costs of health coverage in all affected markets;

(ii) the impact that the proposed mandated health benefit may have on the availability of other benefits;

(iii) the impact that the proposed mandated health benefit may have on the availability of health coverage in each affected market and the impact on the number of persons covered through self-insured plans; and

(iv) report on any other matter, question, or concern relating to a mandated health benefit as may be determined relevant by the commission or by the person having issued the request.

4. The commission shall allow a thirty-day public comment period and issue a report to the governor and the legislature within ninety days after receipt of a written request. The commission may extend its review period and reporting time upon the consent of the person having issued the request.

5. The commission shall review and report on utilization rates, public and patient health effects, and impact on premiums and access to health care and health coverage of all mandated health benefits existing on the effective date of this section.

§ 3. Section 213 of the insurance law is REPEALED.

§ 4. This act shall take effect immediately.