STATE OF NEW YORK

10739

IN SENATE

November 13, 2026

Introduced by Sen. CLEARE -- read twice and ordered printed, and when printed to be committed to the Committee on Rules

AN ACT to amend the elder law, in relation to eligibility for the program for elderly pharmaceutical insurance coverage

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

Section 1. Paragraph (f) of subdivision 3 of section 242 of the elder law, as amended by section 1 of part T of chapter 56 of the laws of 2012, is amended to read as follows:

(f) As a condition of eligibility for benefits under this title, a program participant is required to be enrolled in Medicare part D **if eligible** and to maintain such enrollment **if eligible**. For unmarried participants with individual annual income less than or equal to twenty-three thousand dollars and married participants with joint annual income less than or equal to twenty-nine thousand dollars, the elderly pharmaceutical insurance coverage program shall pay for the portion of the part D monthly premium that is the responsibility of the participant. Such payment shall be limited to the low-income benchmark premium amount established by the federal centers for medicare and medicaid services and any other amount which such agency establishes under its de minimus premium policy.

§ 2. Subdivision 4 of section 242 of the elder law, as added by section 12-a of part T of chapter 56 of the laws of 2012, is amended to read as follows:

4. As a condition of eligibility for benefits under this title, participants must be enrolled in medicare part D **if eligible** and maintain such enrollment **if eligible**. For persons who meet the eligibility requirements to participate in the elderly pharmaceutical insurance coverage program, the program will pay for a drug covered by the person's medicare part D plan or a drug in a medicare part D excluded drug class, as defined in subdivision eight of section two hundred forty-one of this title, provided that such drug is a covered drug, as defined in subdivision one of section two hundred forty-one of this title, and that the participant complies with the point of sale co-pay-

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

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ment requirements set forth in sections two hundred forty-seven and two hundred forty-eight of this title. No payment shall be made for medicare part D plan deductibles.

§ 3. This act shall take effect April 1, 2027.