

# STATE OF NEW YORK

1804--A

2025-2026 Regular Sessions

## IN SENATE

January 13, 2025

Introduced by Sens. RIVERA, ADDABBO, GONZALEZ, JACKSON -- read twice and ordered printed, and when printed to be committed 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 requiring coverage of certain asthma inhalers at no cost

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

1 Section 1. Subsection (i) of section 3216 of the insurance law is  
2 amended by adding a new paragraph 41 to read as follows:

3 (41) (A) Every policy which provides medical, major medical or similar  
4 comprehensive-type coverage and provides coverage for prescription drugs  
5 shall include coverage for inhalers for the treatment of asthma if  
6 prescribed by a physician or other licensed health care provider legally  
7 authorized to prescribe under title eight of the education law.

8 (B) Coverage shall be provided for one form of rescue and one form of  
9 maintenance inhaler that shall not be subject to a deductible, copay-  
10 ment, coinsurance or any other cost-sharing requirement.

11 (C) If the policy is a high deductible health plan as defined in  
12 section 223(c)(2) of the Internal Revenue Code of 1986, such coverage  
13 may be subject to the plan's annual deductible if application of this  
14 requirement would result in ineligibility for a health savings account.

15 § 2. Subsection (1) of section 3221 of the insurance law is amended by  
16 adding a new paragraph 23 to read as follows:

17 (23) (A) Every group or blanket accident and health insurance policy  
18 issued or issued for delivery in this state which provides medical,  
19 major medical or similar comprehensive-type coverage and provides cover-  
20 age for prescription drugs shall include coverage for inhalers for the  
21 treatment of asthma if prescribed by a physician or other licensed  
22 health care provider legally authorized to prescribe under title eight  
23 of the education law.

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

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1 (B) Coverage shall be provided for one form of rescue and one form of  
2 maintenance inhaler that shall not be subject to a deductible, copay-  
3 ment, coinsurance or any other cost-sharing requirement.

4 (C) If the policy is a high deductible health plan as defined in  
5 section 223(c)(2) of the Internal Revenue Code of 1986, such coverage  
6 may be subject to the plan's annual deductible if application of this  
7 requirement would result in ineligibility for a health savings account.

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

10 (ww) (1) A medical expense indemnity corporation or a health service  
11 corporation which provides medical, major medical or similar comprehen-  
12 sive-type coverage and provides coverage for prescription drugs shall  
13 include coverage for inhalers for the treatment of asthma if prescribed  
14 by a physician or other licensed health care provider legally authorized  
15 to prescribe under title eight of the education law.

16 (2) Coverage shall be provided for one form of rescue and one form of  
17 maintenance inhaler that shall not be subject to a deductible, copay-  
18 ment, coinsurance or any other cost-sharing requirement.

19 (3) If the policy is a high deductible health plan as defined in  
20 section 223(c)(2) of the Internal Revenue Code of 1986, such coverage  
21 may be subject to the plan's annual deductible if application of this  
22 requirement would result in ineligibility for a health savings account.

23 § 4. This act shall take effect January 1, 2027 and shall apply to all  
24 policies and contracts issued, renewed, modified, altered, or amended on  
25 or after such date.