

STATE OF NEW YORK

6441--A

Cal. No. 1450

2025-2026 Regular Sessions

IN SENATE

March 13, 2025

Introduced by Sens. SKOUFIS, ADDABBO, CLEARE, FERNANDEZ, HOYLMAN-SIGAL, MAY, SALAZAR, SCARCELLA-SPANTON -- read twice and ordered printed, and when printed to be committed to the Committee on Insurance -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

AN ACT to amend the insurance law, in relation to requiring certain health insurance policies include coverage services provided by pharmacists related to contraceptives

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

1 Section 1. Clause (v) of subparagraph (E) of paragraph 17 of
2 subsection (i) of section 3216 of the insurance law, as amended by
3 section 3 of part M of chapter 57 of the laws of 2019, is amended to
4 read as follows:
5 (v) all FDA-approved contraceptive drugs, devices, and other products,
6 including all over-the-counter contraceptive drugs, devices, and
7 products as prescribed or as otherwise authorized under state or federal
8 law; voluntary sterilization procedures pursuant to 42 U.S.C. 18022 and
9 identified in the comprehensive guidelines supported by the health
10 resources and services administration and thereby incorporated in the
11 essential health benefits benchmark plan; patient education and coun-
12 seling on contraception; and follow-up services related to the drugs,
13 devices, products, and procedures covered under this clause, including,
14 but not limited to, management of side effects, counseling for continued
15 adherence, and device insertion and removal. Except as otherwise author-
16 ized under this clause, a contract shall not impose any restrictions or
17 delays on the coverage required under this clause. However, where the
18 FDA has approved one or more therapeutic and pharmaceutical equivalent,
19 as defined by the FDA, versions of a contraceptive drug, device, or
20 product, a contract is not required to include all such therapeutic and

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

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1 pharmaceutical equivalent versions in its formulary, so long as at least
2 one is included and covered without cost-sharing and in accordance with
3 this clause. If the covered therapeutic and pharmaceutical equivalent
4 versions of a drug, device, or product are not available or are deemed
5 medically inadvisable a contract shall provide coverage for an alternate
6 therapeutic and pharmaceutical equivalent version of the contraceptive
7 drug, device, or product without cost-sharing.

8 (a) This coverage shall include emergency contraception without cost
9 sharing when provided pursuant to a prescription, or order under section
10 sixty-eight hundred thirty-one of the education law or when lawfully
11 provided over-the-counter.

12 (b) If the attending health care provider, in ~~[his or her]~~ **their**
13 reasonable professional judgment, determines that the use of a non-cov-
14 ered therapeutic or pharmaceutical equivalent of a drug, device, or
15 product is warranted, the health care provider's determination shall be
16 final. The superintendent shall promulgate regulations establishing a
17 process, including timeframes, for an insured, an insured's designee or
18 an insured's health care provider to request coverage of a non-covered
19 contraceptive drug, device, or product. Such regulations shall include a
20 requirement that insurers use an exception form that shall meet criteria
21 established by the superintendent.

22 (c) This coverage must allow for the dispensing of up to twelve months
23 worth of a contraceptive at one time.

24 (d) This coverage shall provide for reimbursement to a pharmacist who
25 dispenses self-administered hormonal contraceptives pursuant to section
26 sixty-eight hundred one of the education law and provides related
27 services the same as any other health care provider.

28 (e) For the purposes of this clause, "over-the-counter contraceptive
29 products" shall mean those products provided for in comprehensive guide-
30 lines supported by the health resources and services administration as
31 of January twenty-first, two thousand nineteen.

32 § 2. Subparagraph (A) of paragraph 16 of subsection (1) of section
33 3221 of the insurance law, as amended by section 1 of part M of chapter
34 57 of the laws of 2019, is amended to read as follows:

35 (A) Every group or blanket policy that provides medical, major
36 medical, or similar comprehensive type coverage ~~[that is issued,~~
37 ~~amended, renewed, effective or delivered on or after January first, two~~
38 ~~thousand twenty,~~] shall provide coverage for all of the following
39 services and contraceptive methods:

40 (1) All FDA-approved contraceptive drugs, devices, and other products.
41 This includes all FDA-approved over-the-counter contraceptive drugs,
42 devices, and products as prescribed or as otherwise authorized under
43 state or federal law. The following applies to this coverage:

44 (a) where the FDA has approved one or more therapeutic and pharmaceu-
45 tical equivalent, as defined by the FDA, versions of a contraceptive
46 drug, device, or product, a group or blanket policy is not required to
47 include all such therapeutic and pharmaceutical equivalent versions in
48 its formulary, so long as at least one is included and covered without
49 cost-sharing and in accordance with this paragraph;

50 (b) if the covered therapeutic and pharmaceutical equivalent versions
51 of a drug, device, or product are not available or are deemed medically
52 inadvisable a group or blanket policy shall provide coverage for an
53 alternate therapeutic and pharmaceutical equivalent version of the
54 contraceptive drug, device, or product without cost-sharing. If the
55 attending health care provider, in ~~[his or her]~~ **their** reasonable profes-
56 sional judgment, determines that the use of a non-covered therapeutic or

1 pharmaceutical equivalent of a drug, device, or product is warranted,
2 the health care provider's determination shall be final. The superinten-
3 dent shall promulgate regulations establishing a process, including
4 timeframes, for an insured, an insured's designee or an insured's health
5 care provider to request coverage of a non-covered contraceptive drug,
6 device, or product. Such regulations shall include a requirement that
7 insurers use an exception form that shall meet criteria established by
8 the superintendent;

9 (c) this coverage shall include emergency contraception without cost-
10 sharing when provided pursuant to a prescription or order under section
11 sixty-eight hundred thirty-one of the education law or when lawfully
12 provided over the counter; ~~and~~

13 (d) this coverage must allow for the dispensing of up to twelve months
14 worth of a contraceptive at one time; ~~and~~

15 (e) this coverage shall provide for reimbursement to a pharmacist who
16 dispenses self-administered hormonal contraceptives pursuant to section
17 sixty-eight hundred one of the education law and provides related
18 services the same as any other health care provider;

19 (2) Voluntary sterilization procedures pursuant to 42 U.S.C. 18022 and
20 identified in the comprehensive guidelines supported by the health
21 resources and services administration and thereby incorporated in the
22 essential health benefits benchmark plan;

23 (3) Patient education and counseling on contraception; and

24 (4) Follow-up services related to the drugs, devices, products, and
25 procedures covered under this paragraph, including, but not limited to,
26 management of side effects, counseling for continued adherence, and
27 device insertion and removal.

28 § 3. The opening paragraph and subparagraph (A) of paragraph 1 of
29 subsection (cc) of section 4303 of the insurance law, as amended by
30 section 2 of part M of chapter 57 of the laws of 2019, are amended to
31 read as follows:

32 Every contract that provides medical, major medical, or similar
33 comprehensive type coverage [~~that is issued, amended, renewed, effective~~
34 ~~or delivered on or after January first, two thousand twenty,~~] shall
35 provide coverage for all of the following services and contraceptive
36 methods:

37 (A) All FDA-approved contraceptive drugs, devices, and other products.
38 This includes all FDA-approved over-the-counter contraceptive drugs,
39 devices, and products as prescribed or as otherwise authorized under
40 state or federal law. The following applies to this coverage:

41 (i) where the FDA has approved one or more therapeutic and pharmaceu-
42 tical equivalent, as defined by the FDA, versions of a contraceptive
43 drug, device, or product, a contract is not required to include all such
44 therapeutic and pharmaceutical equivalent versions in its formulary, so
45 long as at least one is included and covered without cost-sharing and in
46 accordance with this subsection;

47 (ii) if the covered therapeutic and pharmaceutical equivalent versions
48 of a drug, device, or product are not available or are deemed medically
49 inadvisable a contract shall provide coverage for an alternate therapeu-
50 tic and pharmaceutical equivalent version of the contraceptive drug,
51 device, or product without cost-sharing. If the attending health care
52 provider, in [~~his or her~~] their reasonable professional judgment, deter-
53 mines that the use of a non-covered therapeutic or pharmaceutical equiv-
54 alent of a drug, device, or product is warranted, the health care
55 provider's determination shall be final. The superintendent shall
56 promulgate regulations establishing a process, including timeframes, for

1 an insured, an insured's designee or an insured's health care provider
2 to request coverage of a non-covered contraceptive drug, device, or
3 product. Such regulations shall include a requirement that insurers use
4 an exception form that shall meet criteria established by the super-
5 intendent;

6 (iii) this coverage shall include emergency contraception without
7 cost-sharing when provided pursuant to a prescription or order under
8 section sixty-eight hundred thirty-one of the education law or when
9 lawfully provided over the counter; ~~and~~

10 (iv) this coverage must allow for the dispensing of up to twelve
11 months worth of a contraceptive at one time; ~~and~~

12 (v) this coverage shall include reimbursement to a pharmacist who
13 dispenses self-administered hormonal contraceptives pursuant to section
14 sixty-eight hundred one of the education law and provides related
15 services the same as any other health care provider;

16 § 4. This act shall take effect immediately and shall apply to poli-
17 cies and contracts issued, renewed, modified, altered or amended on and
18 after such date.