STATE OF NEW YORK

6813

2025-2026 Regular Sessions

IN SENATE

March 24, 2025

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

AN ACT to amend the insurance law, in relation to enacting the "optometry freedom act"

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

Section 1. Short title. This act shall be known and may be cited as the "optometry freedom act".

§ 2. The insurance law is amended by adding a new section 3246 to read as follows:

§ 3246. Optometry choice of supply. 1. For the purposes of this section, the following terms shall have the following meanings:

(a) "Covered materials" means materials for which reimbursement from the carrier or vision care plan is provided to an optometrist by a covered person's plan contract, or for which a reimbursement would be available but for the application of the enrollee's contractual limitations of deductibles, copayments, or coinsurance.

(b) "Covered services" means services for which reimbursement from the carrier or vision care plan is provided to an optometrist by an enrollee's plan contract, or for which a reimbursement would be available but for the application of the enrollee's contractual limitations of deductibles, copayments, or coinsurance.

(c) "Materials" means ophthalmic devices including, but not limited to, lenses, devices containing lenses, ophthalmic frames and other lens mounting apparatus, prisms, lens treatments and coatings, contact lenses, and prosthetic devices to correct, relieve, or treat defects or abnormal conditions of the human eye or its adnexa.

(d) "Optometrist" shall mean anyone licensed to practice optometry pursuant to article one hundred forty-three of the education law.

(e) "Services" means the professional work performed by an optometrist.

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

LBD07963-01-5

(f) "Vision care plan" means an entity that creates, promotes, sells, provides, advertises or administers, an integrated or stand-alone plan provisioning for reimbursement for optometric services, or an insurance policy or contract which provides optometric or medically necessary benefits to an enrollee pertaining to the provision of covered services or covered materials.

2. No contract between a carrier or vision care plan and an optometrist shall restrict or limit, either directly or indirectly, the optometrist's choice of sources and suppliers of services or materials or use of optical labs provided by the optometrist to an enrollee.

§ 3. This act shall take effect immediately.