STATE OF NEW YORK

6895--A

Cal. No. 925

2025-2026 Regular Sessions

IN SENATE

March 26, 2025

Introduced by Sen. BAILEY -- 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 high deductible health plans and health savings accounts

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

Section 1. Section 3216 of the insurance law is amended by adding a new subsection (n) to read as follows:

(n) With respect to high deductible health plans offered in conjunction with a health reimbursement account or a health savings account, if application of any cost sharing requirements would result in health savings account ineligibility under section two hundred twenty-three of the internal revenue code, such cost sharing requirement shall apply for health savings account-qualified high deductible health plans with respect to the deductible of such a plan, only after the enrollee has satisfied the minimum deductible under section two hundred twenty-three of the internal revenue code, except with respect to items or services that are considered preventive care pursuant to subparagraph (C) of paragraph two of subsection c of section two hundred twenty-three of the internal revenue code, in which case the cost-sharing requirements of this section shall apply regardless of whether the minimum deductible required under section two hundred twenty-three of the internal revenue code has been satisfied.

§ 2. Section 3221 of the insurance law is amended by adding a new subsection (v) to read as follows:

(v) With respect to high deductible health plans offered in conjunction with a health reimbursement account or a health savings account, if application of any cost sharing requirements would result in health

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

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savings account ineligibility under section two hundred twenty-three of the internal revenue code, such cost sharing requirement shall apply for health savings account-qualified high deductible health plans with respect to the deductible of such a plan, only after the enrollee has satisfied the minimum deductible under section two hundred twenty-three of the internal revenue code, except with respect to items or services that are considered preventive care pursuant to subparagraph (C) of paragraph two of subsection c of section two hundred twenty-three of the internal revenue code, in which case the cost-sharing requirements of this section shall apply regardless of whether the minimum deductible required under section two hundred twenty-three of the internal revenue code has been satisfied.

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

(ww) With respect to high deductible health plans offered in conjunction with a health reimbursement account or a health savings account, if application of any cost sharing requirements would result in health savings account ineligibility under section two hundred twenty-three of the internal revenue code, such cost sharing requirement shall apply for health savings account-qualified high deductible health plans with respect to the deductible of such a plan, only after the enrollee has satisfied the minimum deductible under section two hundred twenty-three of the internal revenue code, except with respect to items or services that are considered preventive care pursuant to subparagraph (C) of paragraph two of subsection c of section two hundred twenty-three of the internal revenue code, in which case the cost-sharing requirements of this section shall apply regardless of whether the minimum deductible required under section two hundred twenty-three of the internal revenue code has been satisfied.

§ 4. This act shall take effect immediately.