STATE OF NEW YORK

760

2025-2026 Regular Sessions

IN SENATE

(Prefiled)

January 8, 2025

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

AN ACT to amend the insurance law, in relation to requiring health insurance plans to provide coverage for epinephrine auto-injector devices

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

Section 1. Subparagraph (A) of paragraph 39 of subsection (i) of section 3216 of the insurance law, as added by a chapter of the laws of 2024 amending the insurance law relating to requiring health insurance plans to provide coverage for epinephrine auto-injector devices, as proposed in legislative bills numbers S. 7114-A and A. 6425-A, is amended to read as follows:

(A) Every insurer issuing a policy of accident and health insurance delivered or issued for delivery in this state which provides major medical or similar comprehensive-type coverage and provides coverage for prescription drugs shall include coverage for[~~, at a minimum, two~~] medically necessary epinephrine auto-injector devices for the emergency treatment of life-threatening allergic reactions. Such coverage may be subject to annual deductibles and coinsurance as may be deemed appropriate by the superintendent [~~and as are consistent with those established for other benefits within a given policy~~]; provided however, the total amount that [~~a covered person~~] an insured is required to pay out-of-pocket for such devices shall be capped at an amount not to exceed one hundred dollars annually regardless of the insured's deductible, copayment, coinsurance or any other cost-sharing requirement. If under federal law, application of [~~this requirement~~] the annual cap would result in health savings account ineligibility under 26 USC 223, [~~this requirement shall apply for health savings account-qualified high deductible health plans with respect to the deductible of such a plan~~

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

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~~after the enrollee has satisfied the minimum deductible under 26 USC 223~~] **such coverage may be subject to the plan's annual deductible**, except for with respect to items or services that are preventive care pursuant to 26 USC 223(c)(2)(C), in which case the requirements of this paragraph shall apply regardless of whether the minimum deductible under 26 USC 223 has been satisfied.

§ 2. Subparagraph (A) of paragraph 23 of subsection (k) of section 3221 of the insurance law, as added by a chapter of the laws of 2024 amending the insurance law relating to requiring health insurance plans to provide coverage for epinephrine auto-injector devices, as proposed in legislative bills numbers S. 7114-A and A. 6425-A, is amended to read as follows:

(A) Every group or blanket policy of accident and health insurance delivered or issued for delivery in this state which provides [~~medical coverage that includes coverage for physician services in a physician's office and every policy which provides~~] major medical or similar comprehensive-type coverage **and provides coverage for prescription drugs** shall provide coverage for[~~, at a minimum, two~~] medically necessary epinephrine auto-injector devices for the emergency treatment of life-threatening allergic reactions. Such coverage may be subject to annual deductibles and coinsurance as may be deemed appropriate by the superintendent [~~and as are consistent with those established for other benefits within a given policy~~]; provided however, the total amount that [~~a covered person~~] **an insured** is required to pay out-of-pocket for such devices shall be capped at an amount not to exceed one hundred dollars annually regardless of the insured's deductible, copayment, coinsurance or any other cost-sharing requirement. If under federal law, application of [~~this requirement~~] **the annual cap** would result in health savings account ineligibility under 26 USC 223, [~~this requirement shall apply for health savings account-qualified high deductible health plans with respect to the deductible of such a plan after the enrollee has satisfied the minimum deductible under 26 USC 223~~] **such coverage may be subject to the plan's annual deductible**, except for with respect to items or services that are preventive care pursuant to 26 USC 223(c)(2)(C), in which case the requirements of this paragraph shall apply regardless of whether the minimum deductible under 26 USC 223 has been satisfied.

§ 3. Paragraph 1 of subsection (vv) of section 4303 of the insurance law, as added by a chapter of the laws of 2024 amending the insurance law relating to requiring health insurance plans to provide coverage for epinephrine auto-injector devices, as proposed in legislative bills numbers S. 7114-A and A. 6425-A, is amended to read as follows:

(1) Every medical expense indemnity corporation, hospital service corporation and health service corporation which provides [~~medical coverage that includes coverage for physician services in a physician's office and every policy which provides~~] major medical or similar comprehensive-type coverage **and provides coverage for prescription drugs** shall provide coverage for[~~, at a minimum, two~~] medically necessary epinephrine auto-injector devices for the emergency treatment of life-threatening allergic reactions. Such coverage may be subject to annual deductibles and coinsurance as may be deemed appropriate by the superintendent [~~and as are consistent with those established for other benefits within a given policy~~]; provided however, the total amount that [~~a covered person~~] **an insured** is required to pay out-of-pocket for such devices shall be capped at an amount not to exceed one hundred dollars annually regardless of the insured's deductible, copayment, coinsurance

or any other cost-sharing requirement. If under federal law, application of [~~this requirement~~] **the annual cap** would result in health savings account ineligibility under 26 USC 223, [~~this requirement shall apply for health savings account-qualified high deductible health plans with respect to the deductible of such a plan after the enrollee has satisfied the minimum deductible under 26 USC 223~~] **such coverage may be subject to the plan's annual deductible**, except for with respect to items or services that are preventive care pursuant to 26 USC 223(c)(2)(C), in which case the requirements of this paragraph shall apply regardless of whether the minimum deductible under 26 USC 223 has been satisfied.

§ 4. This act shall take effect on the same date and in the same manner as a chapter of the laws of 2024 amending the insurance law relating to requiring health insurance plans to provide coverage for epinephrine auto-injector devices, as proposed in legislative bills numbers S. 7114-A and A. 6425-A, takes effect.