



# 2021 ANNUAL REPORT

# NEW YORK STATE SENATE STANDING COMMITTEE ON INSURANCE



## SENATOR NEIL D. BRESLIN CHAIR



**THE SENATE  
STATE OF NEW YORK**



**NEIL D. BRESLIN**  
SENATOR, 44TH DISTRICT

**VICE PRESIDENT PRO TEMPORE**

**CHAIR**

INSURANCE COMMITTEE

**CO-CHAIR**

LEGISLATIVE ETHICS COMMISSION

**MEMBER**

LEGISLATIVE COMMISSION ON RURAL  
RESOURCES

**COMMITTEES**

BANKS

ETHICS AND INTERNAL GOVERNANCE

FINANCE

HIGHER EDUCATION

JUDICIARY

RULES

December 17, 2021

The Honorable Andrea Stewart-Cousins  
Temporary President and Majority Leader  
New York State Senate  
Albany, NY 12247

Dear Senator Stewart-Cousins:

I am pleased to transmit the Annual Report of the Senate's Standing Committee on Insurance for the 2021 Legislative Session. As Chair, I am proud to continue to lead our efforts to address important matters under my committee's jurisdiction.

During the 2021 session, this committee met 5 times in session and reported 34 bills.

I thank my colleagues who served on the Committee for their efforts and support of the work that was done in the committee this year, and I thank you for the continued support from the Majority Conference in the committee's operations.

Sincerely,

A handwritten signature in cursive script that reads "Neil D. Breslin".

Neil D. Breslin  
Member of Senate

**2021 LEGISLATIVE SESSION REPORT**  
**NEW YORK STATE SENATE**  
**STANDING COMMITTEE ON INSURANCE**

**Senator NEIL D. BRESLIN, Chairperson**

Committee Members

JOHN BROOKS JEREMY COONEY ANDREW GOUNARDES PETE HARCKHAM TIMOTHY KENNEDY KEVIN PARKER JAMES SANDERS	PAMELA HELMING THOMAS O'MARA SUE SERINO
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Committee Staff

EVAN SCHNEIDER, COMMITTEE DIRECTOR  
DANIEL LEINUNG, COMMITTEE COUNSEL  
BECKI RAPPAZZO, COMMITTEE CLERK

## **COMMITTEE JURISDICTION AND OVERVIEW**

The New York State Senate Standing Committee on INSURANCE has legislative oversight responsibilities for issues concerning all areas of insurance including health, property/casualty and life.

During the 2021 Legislative Session, 150+ bills were referred to the Committee for its review. Of these bills, 34 were reported from the Committee. Sixteen were passed by the Senate, and 15 passed in both houses. This work was conducted through a series of 5 committee meetings. A list of all bills that were reported from the committee is provided at the end of this report.

## COMMITTEE HIGHLIGHTS

The following key bills were acted on by the committee in 2021:

### S4111 (BRESLIN)

This bill ensures that enrollees who select a health exchange plan based on their individual prescription drug needs have assurance that the health plan will maintain continuity in coverage for those prescription drugs during the course of the enrollment year, and be provided adequate notice of the intent to remove a prescription on the upcoming plan year. Enrollees choose health exchange plans based on the formulary status of a necessary therapy. A change in prescription drug availability could result in serious medical problems for the enrollee. Also, these unexpected formulary changes can be extremely financially burdensome and have negative health outcomes.

### S.3566 (BRESLIN)

To clarify and strengthen provisions in current law to ensure that consumers have the option to access every covered medication from a local network participating pharmacy and are not forced into mandatory mail order.

### S6715 (BRESLIN)

Public policy that nurtures the sharing economy can be an important part of future economic development and growth. Economic progress is often driven by marshaling available resources more efficiently rather than simply creating new resources. And history has taught us that when technological progress leads to more efficient production, such technologies have the potential to make a positive overall economic impact. Car sharing, especially peer-to-peer car sharing, is a new and emerging market that promises to serve a currently unmet transportation need in the state and to give New Yorker residents another affordable, accessible transportation option.

This bill would amend the law to provide the necessary authority to peer-to-peer car sharing companies to purchase group insurance for the car sharing program, while requiring certain minimum insurance and financial security to protect participants in the peer-to-peer car sharing program as well as third parties. The bill would further amend the law to impose appropriate consumer protections and safety regulations on sharing programs for the benefit of participants in peer-to-peer car sharing. Finally, the bill would amend law to newly impose transaction taxes on peer-to-peer car sharing transactions, including taxes to fund mass transit and public transportation.

## TWO HOUSE BILLS

In 2021, 15 of the 150+ bills referred to the Standing Committee on INSURANCE passed both houses of the Legislature. Of these bills, the Governor has signed 8 and vetoed 0].

Bill	Sponsor	Summary	Action
2008	Jackson	The purpose of this legislation is to provide individuals with accurate medical insurance coverage notices.	Delivered
4111	Breslin	To clarify that health insurance consumers covered by plans that are required to offer essential health benefits under the affordable care act are protected from adverse effects of mid-year formulary charges, and properly notified. of formulary changes	Delivered
4483	Breslin	Allows credit cards to offer an ancillary benefit for wireless communications equipment	Chapter 307
4112	Breslin	An act to amend the insurance law, in relation to authorizing the superintendent of financial services to authorize the return of subscribing member operating reserve balances to members of a municipal insurance reciprocal	Chapter 649
5231	Kavanagh	An act in relation to directing the department of financial services and the division of housing and community renewal to conduct a study examining the increasing costs of insurance premiums and the lack of availability of insurance coverage for affordable housing	Delivered
5581	Breslin	To extend for two additional years provisions of law relating to catastrophic or reinsurance coverage issued to certain small groups.	Chapter 406
5760	Breslin	This bill creates a new kind of business disability-related coverage to protect businesses, and individuals associated with such businesses, from catastrophic loss where the limits of a primary disability insurance policy in force may be inadequate to properly cover losses relative to a business' financial circumstances, or where no primary business-related disability insurance coverage can be obtained in the authorized insurer market by such business.	Chapter 359



653	Sanders	To permit insurance notices and documents to be delivered electronically with policyholder consent.	Delivered
5668a	Breslin	To modernize the methods of consumer servicing that unauthorized insurers are permitted, in certain circumstances, to use, including telephone, video call, facsimile, web portal, electronic transfer of funds, or any other electronic means approved by the Superintendent of Financial Services ("Superintendent")	Chapter 266
5761	Breslin	An act to amend the insurance law, in relation to removing the bonding requirement for independent adjusters	Chapter 192
5762	Breslin	To eliminate the requirement for independent insurance adjusters to produce five character witnesses when applying for a license.	Chapter 360
6485a	Breslin	The purpose of this bill is to continue to allow HMOs to offer to certain municipalities a group high deductible health plan in conjunction with a health savings account.	Chapter 619
6715	Breslin	The purpose of this legislation is to provide insurance coverage for participants in a peer-to-peer car sharing program and for third parties, to require consumer protections for participants in peer-to-peer car sharing programs, and to provide appropriate taxation for car sharing transactions.	Delivered
3566	Breslin	To clarify and strengthen provisions in current law to ensure that consumers have the option to access every covered medication from a local network participating pharmacy and are not forced into mandatory mail order.	Passed Both Houses
4362	Breslin	To permit insureds to obtain policies with terms of less than one year upon request from an insurer that offers such policies.	Delivered



**SUMMARY OF COMMITTEE ACTIVITY**

Bill	Sponsor	Summary	Significant Action
2008	Jackson	The purpose of this legislation is to provide individuals with accurate medical insurance coverage notices.	Delivered
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4362	Breslin	To permit insureds to obtain policies with terms of less than one year upon request from an insurer that offers such policies.	Delivered
1291	Brooks	Relates to continuing education for licensed persons and qualifications for independent adjusters	Passed Senate
3577	Breslin	Provides for a study regarding insurance or other risk mitigation tools and third-party payroll service providers	Passed Senate
3579	Breslin	Relates to licensing of independent insurance adjusters	Passed Senate
5299	Rivera	Relates to calculating an insured individual's overall contribution to any out-of-pocket maximum or any cost-sharing requirement	Passed Senate
815	Biaggi	Authorizes health insurers to provide actuarially appropriate reductions in health insurance premiums for participation in a wellness program	Passed Senate
1413	Rivera	Relates to capping cost sharing for insulin	Passed Senate
3556	Breslin	Authorizes payments to nonparticipating or nonpreferred providers of ambulance services licensed under article 30 of the public health law	3rd Reading
3563	Breslin	Relates to extending the exemption	Passed Senate

		from filing requirements only with respect to rates and policy forms to out of state businesses	
4856	Reichlin-Melnick	Relates to requiring policies and contracts that provide coverage for prescription drugs to include coverage of an immediate additional thirty-day supply of a prescription drug during a state disaster emergency	Passed Senate
498	Breslin	Simplifies the excess line insurance placement affidavit requirements	Passed Senate
502	Breslin	Permits an insurer to rescind or retroactively cancel a policy in circumstance involving an accident staged to defraud an insurer	Passed Senate
714	Breslin	Relates to medical malpractice excess line insurance	Passed Senate
1187	Gianaris	Prohibits the imposition of different premium rates for disability insurance based on gender	Passed Senate
1843	Skoufis	Relates to uninsured and underinsured motorist coverage for police agencies	Passed Senate
4155	Comrie	Relates to commuter van classification review	3rd Reading
4327a	Mayer	Requires certain notices be posted and provided regarding long term care insurance policy changes	3rd Reading
5909	Kaminsky	Relates to prohibiting the application of fail-first or step therapy protocols to coverage for the diagnosis and treatment of mental health conditions	Passed Senate
6666	Breslin	Modifies certain interest rates for life insurance within the standard nonforfeiture law	Passed Senate
6667	Breslin	Modifies the interest rate within the standard nonforfeiture law for annuities	Passed Senate











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