

ASSEMBLY BILL

No. 546

**Introduced by Assembly Member Caloza
(Principal coauthor: Assembly Member Rivas)**

February 11, 2025

An act to add Section 1367.56 to the Health and Safety Code, and to add Section 10123.63 to the Insurance Code, relating to health care coverage, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 546, as introduced, Caloza. Health care coverage: portable HEPA purifiers and filters.

Existing law, the Knox-Keene Health Care Service Plan Act of 1975, provides for the licensure and regulation of health care service plans by the Department of Managed Health Care and makes a willful violation of the act's requirements a crime. Existing law provides for the regulation of health insurers by the Department of Insurance. Existing law sets forth specified coverage requirements for plan contracts and insurance policies, and limits the copayment, coinsurance, deductible, and other cost sharing that may be imposed for specified health care services.

This bill would require a health care service plan contract or health insurance policy issued, amended, or renewed on or after January 1, 2026, to include coverage for portable high-efficiency particulate air (HEPA) purifiers and filters for enrollees or insureds who are pregnant or diagnosed with asthma or chronic obstructive pulmonary disease. The bill would prohibit a portable HEPA purifier and filter covered pursuant to these provisions from being subject to a deductible, coinsurance, or copayment requirement.

Because a willful violation of these provisions by a health care service plan would be a crime, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: 2/3. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 1367.56 is added to the Health and Safety
2 Code, to read:
3 1367.56. (a) A health care service plan contract issued,
4 amended, or renewed on or after January 1, 2026 , shall include
5 coverage for portable high-efficiency particulate air (HEPA)
6 purifiers and filters for enrollees who are pregnant and enrollees
7 diagnosed with asthma or chronic obstructive pulmonary disease
8 (COPD).
9 (1) A portable HEPA purifier and filter pursuant to this section
10 shall not be subject to a deductible, coinsurance, or copayment
11 requirement.
12 (2) If a health care service plan contract is a high deductible
13 health plan, as defined in Section 223(c)(2) of Title 26 of the
14 United States Code, the contract shall not impose cost sharing as
15 specified in this section, unless not applying cost sharing would
16 conflict with federal requirements for high deductible health plans.
17 (b) (1) For purposes of this section, a portable HEPA purifier
18 and filter uses a mechanical air filter that can remove at least 99%
19 of airborne particles that are 10 microns in size or have a minimum
20 efficiency reporting value (MERV) of 13 or higher.
21 (2) A HEPA filter includes a filter used for air purification
22 systems for home use or portable use.
23 (c) This section shall apply to enrollees of a Public Employees'
24 Retirement System (CalPERS) sponsored health plan and members

1 of the State Teachers' Retirement System (CalSTRS) who receive
2 a health care benefit under CalSTRS.

3 (d) (1) This section shall not apply to a Medicare supplement
4 policy or a specialized health care service plan contract that covers
5 only dental or vision benefits.

6 (2) This section shall not apply to Medi-Cal managed care plans
7 that contract with the State Department of Health Care Services
8 pursuant to Chapter 7 (commencing with Section 14000) of, and
9 Chapter 8 (commencing with Section 14200) of, Part 3 of Division
10 9 of the Welfare and Institutions Code.

11 (3) This section shall not apply with respect to self-insured
12 employer plans governed by the Employee Retirement Income
13 Security Act of 1974 (ERISA) (Public Law 93-406).

14 SEC. 2. Section 10123.63 is added to the Insurance Code, to
15 read:

16 10123.63. (a) A health insurance policy issued, amended, or
17 renewed on or after January 1, 2026, shall include coverage for
18 portable high-efficiency particulate air (HEPA) purifiers and filters
19 for insureds who are pregnant and insureds diagnosed with asthma
20 or chronic obstructive pulmonary disease (COPD).

21 (1) A portable HEPA purifier and filter pursuant to this section
22 shall not be subject to a deductible, coinsurance, or copayment
23 requirement.

24 (2) If a health insurance policy is a high deductible health plan,
25 as defined in Section 223(c)(2) of Title 26 of the United States
26 Code, the contract shall not impose cost sharing as specified in
27 this section, unless not applying cost sharing would conflict with
28 federal requirements for high deductible health plans.

29 (b) (1) For purposes of this section, a portable HEPA purifier
30 and filter uses a mechanical air filter that can remove at least 99%
31 of airborne particles that are 10 microns in size or have a minimum
32 efficiency reporting value (MERV) of 13 or higher.

33 (2) A HEPA filter includes a filter used for air purification
34 systems for home use or portable use.

35 (c) This section shall apply to insureds of a Public Employees'
36 Retirement System (CalPERS) sponsored health plan and members
37 of the State Teachers' Retirement System (CalSTRS) who receive
38 a health care benefit under CalSTRS.

1 (d) (1) This section shall not apply to a Medicare supplement
2 policy or a specialized health insurance policy that covers only
3 dental or vision benefits.

4 (2) This section shall not apply with respect to self-insured
5 employer plans governed by the Employee Retirement Income
6 Security Act of 1974 (ERISA) (Public Law 93-406).

7 SEC. 3. No reimbursement is required by this act pursuant to
8 Section 6 of Article XIII B of the California Constitution because
9 the only costs that may be incurred by a local agency or school
10 district will be incurred because this act creates a new crime or
11 infraction, eliminates a crime or infraction, or changes the penalty
12 for a crime or infraction, within the meaning of Section 17556 of
13 the Government Code, or changes the definition of a crime within
14 the meaning of Section 6 of Article XIII B of the California
15 Constitution.

16 SEC. 4. This act is an urgency statute necessary for the
17 immediate preservation of the public peace, health, or safety within
18 the meaning of Article IV of the California Constitution and shall
19 go into immediate effect. The facts constituting the necessity are:

20 Pregnant women who are exposed to particulate matter from
21 wildfire smoke face a higher risk of preterm birth than women
22 who were not exposed. Wildfire smoke can additionally trigger
23 asthma attacks or chronic obstructive pulmonary disease (COPD).
24 To mitigate these outcomes, it is necessary that this act take effect
25 immediately.