

AMENDED IN ASSEMBLY MAY 1, 2025

CALIFORNIA LEGISLATURE—2025–26 REGULAR SESSION

ASSEMBLY BILL

No. 546

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

February 11, 2025

An act to add Section ~~1367.56~~ 1368.8 to the Health and Safety Code, and to add Section ~~10123.63~~ 10112.96 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 amended, Caloza. Health care coverage: portable HEPA ~~purifiers and filters~~. *purifiers*.

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 *large group* health care service plan contract or *group* health insurance ~~policy~~ *policy*, *except a specialized health care service plan contract or health insurance policy, that is* 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.~~ *disease if the enrollee or insured is in a county where a local or state emergency has been declared due to wildfires. The bill would prohibit the cost of the HEPA purifier from exceeding \$500, adjusted for inflation.*

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: $\frac{2}{3}$. 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.—~~
- 4 ~~SECTION 1. Section 1368.8 is added to the Health and Safety~~
- 5 ~~Code, to read:~~
- 6 ~~1368.8. (a) (1) A large group health care service plan contract~~
- 7 ~~contract, except a specialized health care service plan contract,~~
- 8 ~~that is issued, amended, or renewed on or after January 1, 2026,~~
- 9 ~~2026, shall include coverage for portable high-efficiency particulate~~
- 10 ~~air (HEPA) purifiers and filters for enrollees who are pregnant and~~
- 11 ~~enrollees diagnosed with asthma or chronic obstructive pulmonary~~
- 12 ~~disease (COPD). (COPD) if the enrollee is in a county where a~~
- 13 ~~local or state emergency has been declared due to wildfires.~~
- 14 ~~(1) A portable HEPA purifier and filter pursuant to this section~~
- 15 ~~shall not be subject to a deductible, coinsurance, or copayment~~
- 16 ~~requirement.~~
- 17 ~~(2) If a health care service plan contract is a high deductible~~
- 18 ~~health plan, as defined in Section 223(c)(2) of Title 26 of the~~

1 ~~United States Code, the contract shall not impose cost sharing as~~
2 ~~specified in this section, unless not applying cost sharing would~~
3 ~~conflict with federal requirements for high deductible health plans.~~

4 (2) *An enrollee is entitled to the benefit specified in paragraph*
5 *(1) until one year from the date the local or state emergency is*
6 *lifted, whichever is later.*

7 (3) *The cost of the HEPA purifier specified in paragraph (1)*
8 *shall not exceed five hundred dollars (\$500), adjusted for inflation.*

9 (b) ~~(4) For purposes of this section, a portable HEPA purifier~~
10 ~~and filter uses a mechanical air filter that can remove at least 99%~~
11 ~~of airborne particles that are 10 microns in size or have a minimum~~
12 ~~efficiency reporting value (MERV) of 13 or higher. size.~~

13 ~~(2) A HEPA filter includes a filter used for air purification~~
14 ~~systems for home use or portable use.~~

15 (c) ~~This section shall apply to enrollees of a Public Employees'~~
16 ~~Retirement System (CalPERS) sponsored health plan a health care~~
17 ~~benefit plan or contract entered into with the Board of~~
18 ~~Administration of the Public Employees' Retirement System~~
19 ~~pursuant to the Public Employees' Medical and Hospital Care Act~~
20 ~~(Part 5 (commencing with Section 22750) of Division 5 of Title 2~~
21 ~~of the Government Code) and members of the State Teachers'~~
22 ~~Retirement System (CalSTRS) who receive a health care benefit~~
23 ~~under CalSTRS.~~

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

27 (2) ~~This section shall not apply to Medi-Cal managed care plans~~
28 ~~that contract with the State Department of Health Care Services~~
29 ~~pursuant to Chapter 7 (commencing with Section 14000) of, and~~
30 ~~Chapter 8 (commencing with Section 14200) of, Part 3 of Division~~
31 ~~9 of the Welfare and Institutions Code.~~

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

35 SEC. 2. ~~Section 10123.63 is added to the Insurance Code, to~~
36 ~~read:~~

37 ~~10123.63.—~~

38 SEC. 2. *Section 10112.96 is added to the Insurance Code, to*
39 *read:*

1 ~~10112.96.~~ (a) (1) A group health insurance ~~policy~~ policy,
2 ~~except a specialized health insurance policy, that is issued,~~
3 amended, or renewed on or after January 1, ~~2026~~, 2026, shall
4 include coverage for portable high-efficiency particulate air
5 (HEPA) purifiers ~~and filters~~ for insureds who are pregnant and
6 insureds diagnosed with asthma or chronic obstructive pulmonary
7 disease ~~(COPD)~~. (COPD) if the insured is in a county where a
8 local or state emergency has been declared due to wildfires.

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

17 (2) An insured is entitled to the benefit specified in paragraph
18 (1) until one year from the date the local or state emergency is
19 lifted, whichever is later.

20 (3) The costs of the HEPA purifier specified in paragraph (1)
21 shall not exceed five hundred dollars (\$500), adjusted for inflation.

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

26 ~~(2) A HEPA filter includes a filter used for air purification~~
27 ~~systems for home use or portable use.~~

28 (c) This section shall apply to insureds of a ~~Public Employees'~~
29 ~~Retirement System (CalPERS) sponsored health plan~~ health care
30 ~~benefit plan or contract entered into with the Board of~~
31 ~~Administration of the Public Employees' Retirement System~~
32 ~~pursuant to the Public Employees' Medical and Hospital Care Act~~
33 ~~(Part 5 (commencing with Section 22750) of Division 5 of Title 2~~
34 ~~of the Government Code) and members of the State Teachers'~~
35 ~~Retirement System (CalSTRS) who receive a health care benefit~~
36 ~~under CalSTRS.~~

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

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

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

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

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