

STATE OF NEW YORK

3418

2023-2024 Regular Sessions

IN SENATE

January 31, 2023

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

AN ACT to amend the public health law, in relation to requiring a weekly update of the prescription drug retail price list

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

1 Section 1. Subdivision 2 of section 278 of the public health law, as
2 renumbered by section 1-a of part B of chapter 447 of the laws of 2012
3 and as amended by section 16 of part B of chapter 58 of the laws of
4 2007, is amended to read as follows:

5 2. The department shall extract pharmacy retail price information,
6 showing the actual price to be paid to the pharmacy by a retail purchas-
7 er for any listed drug at the listed dosage, from usual and customary
8 price data collected by the medical assistance program under title elev-
9 en of article five of the social services law. Provided, however, that
10 any pharmacy participating in the medical assistance program shall
11 provide the usual and customary price data for the one hundred fifty
12 most frequently prescribed drugs under section sixty-eight hundred twen-
13 ty-six of the education law to the department through the same mechanism
14 that the usual and customary price data is received under the medical
15 assistance program. If the department is unable to process such data,
16 the pharmacy shall fax or electronically transmit to the department the
17 usual and customary price data for the one hundred fifty most frequently
18 prescribed drugs under section sixty-eight hundred twenty-six of the
19 education law. The prescription drug retail price list database shall be
20 subject to and conform with applicable state and federal requirements,
21 including those concerning privacy, confidentiality and use of informa-
22 tion. The commissioner shall seek a waiver of any federal requirement
23 necessary for development and implementation of the database under this
24 section. Upon implementation of this system, this section shall apply in
25 place of any inconsistent provision of section sixty-eight hundred twen-

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

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1 ty-six of the education law. The prescription drug retail price list
2 database on the department's website shall list a pharmacy's price
3 information extracted under this subdivision as the pharmacy's retail
4 price for each drug. The department shall update the prescription drug
5 retail price list at least weekly using the most recent retail price for
6 each drug for each pharmacy [~~as reasonably practicable~~].
7 § 2. This act shall take effect immediately.