

# STATE OF NEW YORK

3859

2025-2026 Regular Sessions

## IN ASSEMBLY

January 30, 2025

Introduced by M. of A. BRONSON -- read once and referred to the Committee on Labor

AN ACT to amend the workers' compensation law, in relation to the provision of prescription medicine to workers' compensation claimants

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

1 Section 1. Paragraph 5 of subdivision (i) of section 13 of the work-  
2 ers' compensation law, as added by chapter 6 of the laws of 2007, is  
3 amended to read as follows:

4 (5) Notwithstanding any other provision of this chapter, if an employ-  
5 er or carrier has contracted with a pharmacy to provide prescribed medi-  
6 cine to claimants, then such employer or carrier may [~~require~~] encourage  
7 claimants to obtain all prescribed medicines from the pharmacy with  
8 which it has contracted [~~, except if a medical emergency occurs and it~~  
9 ~~would not be reasonably possible to obtain immediately required~~  
10 ~~prescribed medicine from the pharmacy with which the employer or carrier~~  
11 ~~has a contract~~]. An employer or carrier that [~~requires~~] encourages  
12 claimants to obtain prescribed medicines from a pharmacy with which it  
13 has a contract must notify claimants of the pharmacy or pharmacies with  
14 which it has a contract, the locations and addresses of the pharmacy or  
15 pharmacies, if applicable, how to initially fill and refill  
16 prescriptions through the mail, internet, telephone or other means, and  
17 any other required information that must be supplied to the pharmacy or  
18 pharmacies. [~~If the pharmacy or pharmacies with which the employer or~~  
19 ~~carrier contracts does not offer mail order service and does not have a~~  
20 ~~physical location within a reasonable distance from the claimant, as~~  
21 ~~defined by regulation of the board, the claimant may obtain prescribed~~  
22 ~~medicines at the pharmacy or pharmacies of his or her choice and the~~  
23 ~~employer or carrier will be liable for such charges in accordance with~~  
24 ~~the fee schedule prescribed in section thirteen-o of this chapter.~~]  
25 Notwithstanding an employer's or a carrier's authority to contract with

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

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1 a network pharmacy and encourage claimants to use it such network phar-  
2 macy exclusively, claimants may obtain prescribed medicines at the phar-  
3 macy or pharmacies of such claimant's choice so long as such pharmacy is  
4 registered as a resident, in-state pharmacy with the education depart-  
5 ment, and the employer or carrier shall be liable for such charges in  
6 accordance with the fee schedule prescribed in section thirteen-o of  
7 this article so long as the medications are casually related to the  
8 claimant's work related injuries. Such requirements shall not apply to  
9 any non-resident, out-of-state pharmacies nor shall it apply to any  
10 compound medications that the claimant is prescribed. The employer or  
11 carrier shall have the right to deny any charges that originate from  
12 non-resident, out-of-state pharmacies and deny any charges for extempo-  
13 raneous compound medications that have not been approved by the federal  
14 Food and Drug Administration.

15 § 2. This act shall take effect on the one hundred twentieth day after  
16 it shall have become a law.