

# STATE OF NEW YORK

6323

2025-2026 Regular Sessions

## IN SENATE

March 10, 2025

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

AN ACT to amend the social services law, in relation to determining the  
amount paid to a pharmacy for certain high cost drugs

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

1 Section 1. Paragraph (b) of subdivision 9 of section 367-a of the  
2 social services law is amended by adding a new subparagraph (iv) to read  
3 as follows:

4 (iv) notwithstanding subparagraphs (i) and (ii) of this paragraph and  
5 paragraph (e) of this subdivision, if the drug dispensed is a high cost  
6 drug and has a national average drug acquisition cost set by the federal  
7 center for medicare and medicaid services in excess of six hundred  
8 seventy dollars, the actual amount paid to the pharmacy, plus the  
9 reasonable administrative costs as determined by the commissioner of  
10 health, shall be no more than two and one-half percent of the total cost  
11 of such drug, together with any dispensing fee authorized under para-  
12 graph (d) of this subdivision.

13 § 2. This act shall take effect immediately; provided, however, that  
14 the amendments to subdivision 9 of section 367-a of the social services  
15 law made by section one of this act shall not affect the expiration of  
16 such subdivision and shall be deemed to expire therewith.

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

LBD10824-01-5