

1267

2009-2010 Regular Sessions

I N A S S E M B L Y

(PREFILED)

January 7, 2009

Introduced by M. of A. COLTON, GOTTFRIED, CYMBROWITZ, PERRY, V. LOPEZ, J. RIVERA, GIGLIO, GABRYSZAK, MILLMAN, JAFFEE, BURLING, PHEFFER -- Multi-Sponsored by -- M. of A. ALFANO, BARRA, BOYLAND, CALHOUN, CHRISTENSEN, CLARK, DESTITO, GLICK, GUNTHER, HAWLEY, HOOPER, JOHN, LANCMAN, MARKEY, MCENENY, MILLER, PAULIN, ROBINSON, ROSENTHAL, SCARBOROUGH, SWEENEY, WALKER, WEISENBERG, WRIGHT -- read once and referred to the Committee on Insurance

AN ACT to amend the insurance law and the labor law, in relation to the purchase of prescription drugs

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Subsection (i) of section 3216 of the insurance law is
2 amended by adding a new paragraph 26 to read as follows:
3 (26) NO POLICY WHICH PROVIDES COVERAGE FOR PRESCRIBED DRUGS SHALL
4 MANDATE THAT THE SAME BE PURCHASED BY THE INSURED FROM A MAIL ORDER
5 PHARMACY, NOR MAY SUCH POLICY IMPOSE A CO-PAYMENT FEE OR OTHER CONDITION
6 ON ANY INSURED WHO ELECTS TO PURCHASE DRUGS FROM OTHER THAN A MAIL ORDER
7 PHARMACY WHICH IS NOT ALSO IMPOSED ON INSUREDS ELECTING TO PURCHASE
8 DRUGS FROM A DESIGNATED MAIL ORDER PHARMACY.
9 S 2. Subsection (1) of section 3221 of the insurance law is amended by
10 adding a new paragraph 18 to read as follows:
11 (18) NO INSURER DELIVERING A GROUP OR BLANKET POLICY OR ISSUING A
12 GROUP OR BLANKET POLICY FOR DELIVERY IN THIS STATE WHICH PROVIDES COVER-
13 AGE FOR PRESCRIBED DRUGS SHALL MANDATE THAT THE SAME BE PURCHASED BY THE
14 INSURED FROM A MAIL ORDER PHARMACY, NOR MAY SUCH POLICY IMPOSE A CO-PAY-
15 MENT FEE OR OTHER CONDITION ON ANY INSURED WHO ELECTS TO PURCHASE DRUGS
16 FROM OTHER THAN A MAIL ORDER PHARMACY WHICH IS NOT ALSO IMPOSED ON
17 INSUREDS ELECTING TO PURCHASE DRUGS FROM A DESIGNATED MAIL ORDER PHARMA-
18 CY.

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

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1 S 3. Section 4303 of the insurance law is amended by adding a new
2 subsection (ff) to read as follows:
3 (FF) NO POLICY ISSUED BY A MEDICAL EXPENSE INDEMNITY CORPORATION, A
4 HOSPITAL SERVICE CORPORATION OR A HEALTH SERVICES CORPORATION WHICH
5 PROVIDES COVERAGE FOR PRESCRIBED DRUGS SHALL MANDATE THAT THE SAME BE
6 PURCHASED BY THE INSURED FROM A MAIL ORDER PHARMACY, NOR MAY SUCH POLICY
7 IMPOSE A CO-PAYMENT FEE OR OTHER CONDITION ON ANY INSURED WHO ELECTS TO
8 PURCHASE DRUGS FROM OTHER THAN A MAIL ORDER PHARMACY WHICH IS NOT ALSO
9 IMPOSED ON INSURED ELECTING TO PURCHASE DRUGS FROM A DESIGNATED MAIL
10 ORDER PHARMACY.

11 S 4. The labor law is amended by adding a new section 217-a to read as
12 follows:
13 S 217-A. MAIL ORDER PRESCRIPTION DRUGS. FOR EMPLOYEES WHO ARE PROVIDED
14 COVERAGE FOR PRESCRIPTION DRUGS UNDER A POLICY SUBJECT TO SECTION THREE
15 THOUSAND TWO HUNDRED SIXTEEN, THREE THOUSAND TWO HUNDRED TWENTY-ONE OR
16 FOUR THOUSAND THREE HUNDRED THREE OF THE INSURANCE LAW, SUCH POLICY
17 SHALL NOT MANDATE THAT PRESCRIPTION DRUGS BE PURCHASED BY THE INSURED
18 FROM A MAIL ORDER PHARMACY, NOR MAY SUCH POLICY IMPOSE A CO-PAYMENT FEE
19 OR OTHER CONDITION ON ANY INSURED WHO ELECTS TO PURCHASE DRUGS FROM
20 OTHER THAN A MAIL ORDER PHARMACY WHICH IS NOT ALSO IMPOSED ON INSURED
21 ELECTING TO PURCHASE DRUGS FROM A DESIGNATED MAIL ORDER PHARMACY.

22 S 5. This act shall take effect on the thirtieth day after it shall
23 have become a law and shall apply to all policies and contracts issued,
24 renewed, modified, altered or amended on or after such effective date.