

6673

2009-2010 Regular Sessions

I N A S S E M B L Y

March 11, 2009

Introduced by M. of A. GOTTFRIED, BRODSKY, HOYT, KELLNER -- Multi-Sponsored by -- M. of A. JAFFEE, SWEENEY -- read once and referred to the Committee on Health

AN ACT to amend the social service law, in relation to certain medical assistance for needy persons

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

1 Section 1. Paragraph (a-1) of subdivision 4 of section 365-a of the
2 social services law, as amended by section 11 of part C of chapter 58 of
3 the laws of 2005, is amended to read as follows:

4 (a-1) a brand name drug for which a multi-source therapeutically and
5 generically equivalent drug, as determined by the federal food and drug
6 administration, is available, unless previously authorized by the
7 department of health. The commissioner of health is authorized to
8 exempt, for good cause shown, any brand name drug from the restrictions
9 imposed by this paragraph. FURTHERMORE, THE COMMISSIONER OF HEALTH IS
10 AUTHORIZED TO REVIEW AN APPLICATION FOR AN EXEMPTION OF A BRAND NAME
11 DRUG FROM THE RESTRICTIONS OF THIS PARAGRAPH, PROVIDED THAT SUCH APPLI-
12 CATION IS SUBMITTED WITHIN A PERIOD OF TWELVE MONTHS PRIOR TO THE EXPI-
13 RATION OF THE PATENT OF SAID BRAND NAME DRUG. This paragraph shall not
14 apply to any drug that is in a therapeutic class included on the
15 preferred drug list under section two hundred seventy-two of the public
16 health law or is in the clinical drug review program under section two
17 hundred seventy-four of the public health law;

18 S 2. This act shall take effect immediately, provided however, that
19 the amendment to paragraph (a-1) of subdivision 4 of section 365-a of
20 the social services law made by section one of this act shall not affect
21 the expiration of such paragraph and shall be deemed to expire there-
22 with.

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

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