

1843

2009-2010 Regular Sessions

I N S E N A T E

February 9, 2009

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

AN ACT to amend the labor law, in relation to establishing the employee's right to choose source of prescription drugs

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

1 Section 1. Section 217 of the labor law is amended by adding a new
2 subdivision 6-b to read as follows:
3 6-B. NO SUCH POLICY PROVIDED UNDER THIS SECTION SHALL IMPOSE AN ADDI-
4 TIONAL FEE OR CO-PAY REQUIREMENT ON ANY EMPLOYEE OR INSURED WHO ELECTS
5 TO PURCHASE PRESCRIBED DRUGS FROM OTHER THAN A MAIL ORDER PROVIDER IF
6 SUCH FEE OR CO-PAY IS NOT OTHERWISE IMPOSED. NOR SHALL ANY SUCH POLICY
7 REQUIRE THAT ONLY MAIL ORDER PROVIDERS BE UTILIZED AS A CONDITION OF
8 COVERAGE FOR PRESCRIBED DRUGS.
9 S 2. Subdivisions 4 and 5 of section 195 of the labor law, subdivision
10 4 as added by chapter 548 of the laws of 1966 and subdivision 5 as added
11 by chapter 256 of the laws of 1981, are amended and a new subdivision
12 5-a is added to read as follows:
13 4. establish, maintain and preserve for not less than three years
14 payroll records showing the hours worked, gross wages, deductions and
15 net wages for each employee[.];
16 5. notify his OR HER employees in writing or by publicly posting the
17 employer's policy on sick leave, vacation, personal leave, holidays and
18 hours[.];
19 5-A. NOTIFY EMPLOYEES OF THEIR RIGHT TO REQUEST THAT PRESCRIBED DRUGS
20 AS COVERED BY SECTION TWO HUNDRED SEVENTEEN OF THIS CHAPTER, SHALL BE AT
21 THE PREFERENCE OF THE EMPLOYEE, AND THAT SUCH EMPLOYEE MAY CHOOSE OTHER
22 THAN MAIL ORDER DELIVERY; AND
23 S 3. The labor law is amended by adding a new section 217-a to read as
24 follows:

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

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1 S 217-A. NOTICE OF MAIL ORDER PRESCRIPTIONS. EVERY EMPLOYEE WHO
2 RECEIVES A BENEFIT OF EMPLOYMENT UNDER THE PROVISIONS OF THIS CHAPTER,
3 INCLUDING COVERAGE FOR PRESCRIPTION DRUGS FOR SUCH EMPLOYEE OR SUCH
4 EMPLOYEE'S FAMILY MEMBERS, SHALL RECEIVE NOTICE THIRTY DAYS PRIOR TO
5 ENACTMENT OF A RULE OR REGULATION REQUIREMENT THAT MAIL-ORDER
6 PRESCRIPTION DRUGS BE OBTAINED, AND THAT THE EMPLOYEE HAS THIRTY DAYS
7 THEREUPON TO INFORM THE EMPLOYER OF THEIR PREFERENCE TO CHOOSE OTHER
8 THAN MAIL ORDER DELIVERY OF SUCH PRESCRIBED DRUGS AND SUCH PREFERENCE
9 SHALL BE DETERMINATIVE.
10 S 4. This act shall take effect immediately.