S T A T E O F N E W Y O R K

5350

2013-2014 Regular Sessions

I N A S S E M B L Y

February 25, 2013

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

AN ACT to amend the social services 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:

Section 1. Subparagraph (i) of paragraph (a-1) of subdivision 4 of section 365-a of the social services law, as amended by section 39 of part D of chapter 56 of the laws of 2012, is amended to read as follows:

(i) a brand name drug for which a multi-source therapeutically and generically equivalent drug, as determined by the federal food and drug administration, is available, unless previously authorized by the department of health. The commissioner of health is authorized to exempt, for good cause shown, any brand name drug from the restrictions imposed by this subparagraph. FURTHERMORE, THE COMMISSIONER OF HEALTH IS AUTHORIZED TO REVIEW AN APPLICATION FOR AN EXEMPTION OF A BRAND NAME DRUG FROM THE RESTRICTIONS OF THIS SUBPARAGRAPH, PROVIDED THAT SUCH APPLICATION IS SUBMITTED WITHIN A PERIOD OF TWELVE MONTHS PRIOR TO THE EXPIRATION OF THE PATENT OF SAID BRAND NAME DRUG;

S 2. This act shall take effect immediately.

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

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