

# STATE OF NEW YORK

8781

2017-2018 Regular Sessions

## IN ASSEMBLY

November 27, 2017

Introduced by M. of A. L. ROSENTHAL -- read once and referred to the Committee on Health

AN ACT to amend the public health law, in relation to prohibited activities by pharmacy benefit managers

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

1 Section 1. Section 280-a of the public health law is amended by adding  
2 two new subdivisions 3 and 4 to read as follows:

3 3. No pharmacy benefit manager shall, with respect to contracts  
4 between such pharmacy benefit manager and a pharmacy or, alternatively,  
5 such pharmacy benefit manager and a pharmacy's contracting agent, such  
6 as a pharmacy services administrative organization:

7 (a) prohibit or penalize a pharmacist or pharmacy from disclosing to  
8 an individual purchasing a prescription medication information regard-  
9 ing:

10 (1) the cost of the prescription medication to the individual, or

11 (2) the availability of any therapeutically equivalent alternative  
12 medications or alternative methods of purchasing the prescription medi-  
13 cation, including but not limited to, paying a cash price; or

14 (b) charge or collect from an individual a copayment that exceeds the  
15 total submitted charges by the pharmacy for which the pharmacy is paid.  
16 If an individual pays a copayment, the pharmacy shall retain the adjudi-  
17 cated costs and the pharmacy benefit manager shall not redact or recoup  
18 the adjudicated cost.

19 4. Any provision of a contract that violates the provisions of this  
20 section shall be deemed to be void and unenforceable.

21 § 2. This act shall take effect on the ninetieth day after it shall  
22 have become a law.

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

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