# STATE OF NEW YORK

9290

# IN SENATE

May 12, 2022

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

AN ACT to amend the public health law, in relation to requiring a weekly update of the prescription drug retail price list

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

Section 1. Subdivision 2 of section 278 of the public health law, as renumbered by section 1-a of part B of chapter 447 of the laws of 2012 and as amended by section 16 of part B of chapter 58 of the laws of 2007, is amended to read as follows:

2. The department shall extract pharmacy retail price information, showing the actual price to be paid to the pharmacy by a retail purchaser for any listed drug at the listed dosage, from usual and customary price data collected by the medical assistance program under title eleven of article five of the social services law. Provided, however, that any pharmacy participating in the medical assistance program shall provide the usual and customary price data for the one hundred fifty most frequently prescribed drugs under section sixty-eight hundred twenty-six of the education law to the department through the same mechanism that the usual and customary price data is received under the medical assistance program. If the department is unable to process such data, the pharmacy shall fax or electronically transmit to the department the usual and customary price data for the one hundred fifty most frequently prescribed drugs under section sixty-eight hundred twenty-six of the education law. The prescription drug retail price list database shall be subject to and conform with applicable state and federal requirements, including those concerning privacy, confidentiality and use of information. The commissioner shall seek a waiver of any federal requirement necessary for development and implementation of the database under this section. Upon implementation of this system, this section shall apply in place of any inconsistent provision of section sixty-eight hundred twenty-six of the education law. The prescription drug retail price list database on the department's website shall list a pharmacy's price information extracted under this subdivision as the pharmacy's retail

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

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price for each drug. The department shall update the prescription drug retail price list at least weekly using the most recent retail price for each drug for each pharmacy [~~as reasonably practicable~~].

§ 2. This act shall take effect immediately.