STATE OF NEW YORK

6910

2023-2024 Regular Sessions

IN SENATE

May 15, 2023

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

AN ACT in relation to providing for funding associated with the transition of the pharmacy benefit in the medical assistance program

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

Section 1. 1. Notwithstanding any law to the contrary, in establishing an executive budget pursuant to article VII of the state constitution, the governor shall include additional funding in an amount no less than $775,000,000 adjusted by the medical component of the consumer price index as published by the United States department of labor, bureau of labor statistics beginning in calendar year 2024 and annually thereafter. This amount shall include any applicable federal funding. Such funding shall be used to support 340B covered entities, as defined by the federal public health service act (42 U.S.C § 256b), that lost funding associated with the transition of the pharmacy benefit in the medical assistance program (Medicaid) established pursuant to part FFF of chapter 56 of the laws of 2020. Such amounts shall not be conditioned beyond requirements: (a) for participation in the medical assistance program established pursuant to title eleven of article 5 of the social services law; or (b) under applicable federal law, including but not limited to the federal public health service act (42 U.S.C § 256b).

2. Notwithstanding any law to the contrary, in establishing an executive budget pursuant to article VII of the state constitution, the governor shall include additional funding sufficient to offset the financial losses to all comprehensive HIV special needs plans certified pursuant to section 4403-c of the public health law associated with the transition of the pharmacy benefit in the medical assistance program (Medicaid) established pursuant to part FFF of chapter 56 of the laws of 2020. The amount of such funding shall be sufficient to maintain the operational requirements of these plans. Such amounts shall not be

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

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conditioned beyond requirements: (a) for participation in the medical assistance program established pursuant to title eleven of article 5 of the social services law; or (b) under applicable federal law.

§ 2. This act shall take effect immediately and shall be deemed to have been in full force and effect on and after April 1, 2023.