

STATE OF NEW YORK

3494

2023-2024 Regular Sessions

IN ASSEMBLY

February 3, 2023

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

AN ACT to amend the public health law and the education law, in relation to transparency in retail prices of prescription drugs

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

1 Section 1. The public health law is amended by adding a new section
2 278-a to read as follows:

3 § 278-a. Prescription drug price transparency. 1. As used in this
4 section, "retail price" shall mean the price at which a particular drug
5 is sold notwithstanding the cost an individual would pay after pharma-
6 ceutical insurance pricing is calculated.

7 2. Every recipient of a pharmaceutical product pursuant to
8 prescription via mail order or other conventional means shall be
9 provided with the retail price of his or her prescription in writing or
10 transmitted such in an electronic format, including, but not limited to
11 SMS or e-mail prior to being charged for such prescription.

12 3. A pharmacy that receives an electronic prescription shall, at the
13 time the prescription is dispensed, provide the retail price of the
14 prescription in writing or transmit such in an electronic format,
15 including, but not limited to SMS or e-mail directly to the patient or
16 the person making the request on behalf of the patient.

17 4. The price transparency required pursuant to this section shall
18 apply to all new prescriptions written after the effective date of this
19 section; provided, however, that any individual who requests retail
20 price information about a prescription originally written before the
21 enactment of this section shall be provided with such information in
22 written or electronic form as described in subdivision two of this
23 section.

24 § 2. Section 6810 of the education law is amended by adding a new
25 subdivision 10-b to read as follows:

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

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1 10-b. A pharmacy shall, at the time a prescription is dispensed,
2 provide the retail price of the prescription in writing or transmit such
3 in an electronic format, including, but not limited to SMS or e-mail
4 directly to the patient or the person making the request on behalf of
5 the patient in accordance with section two hundred seventy-eight-a of
6 the public health law.

7 § 3. This act shall take effect on the ninetieth day after it shall
8 have become law. Effective immediately, the addition, amendment and/or
9 repeal of any rule or regulation necessary for the implementation of
10 this act on its effective date are authorized to be made and completed
11 on or before such effective date.