# STATE OF NEW YORK

4028

2023-2024 Regular Sessions

# IN SENATE

February 2, 2023

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

AN ACT to amend the social services law, in relation to determining the amount paid to a pharmacy for certain high cost drugs

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

Section 1. Paragraph (b) of subdivision 9 of section 367-a of the social services law is amended by adding a new subparagraph (iv) to read as follows:

**(iv) notwithstanding subparagraphs (i) and (ii) of this paragraph and paragraph (e) of this subdivision, if the drug dispensed is a high cost drug and has a national average drug acquisition cost set by the federal center for medicare and medicaid services in excess of six hundred seventy dollars, the actual amount paid to the pharmacy, plus the reasonable administrative costs as determined by the commissioner of health, shall be no more than two and one-half percent of the total cost of such drug, together with any dispensing fee authorized under paragraph (d) of this subdivision.**

§ 2. This act shall take effect immediately; provided, however, that the amendments to subdivision 9 of section 367-a of the social services law made by section one of this act shall not affect the expiration of such subdivision and shall be deemed to expire therewith.

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

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