

# STATE OF NEW YORK

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6910--A

2023-2024 Regular Sessions

## IN SENATE

May 15, 2023

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Introduced by Sens. RIVERA, BROUK, MAY -- read twice and ordered printed, and when printed to be committed to the Committee on Health -- recommitted to the Committee on Health in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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:

1     Section 1. 1. Notwithstanding any law to the contrary, in establishing  
2     an executive budget pursuant to article VII of the state constitution,  
3     the governor shall include additional funding in an amount no less than  
4     \$775,000,000 adjusted by the medical component of the consumer price  
5     index as published by the United States department of labor, bureau of  
6     labor statistics beginning in calendar year 2024 and annually thereafter.  
7     This amount shall include any applicable federal funding. Such  
8     funding shall be used to support 340B covered entities, as defined by  
9     the federal public health service act (42 U.S.C. § 256b), that lost  
10    funding associated with the transition of the pharmacy benefit in the  
11    medical assistance program (Medicaid) established pursuant to part FFF  
12    of chapter 56 of the laws of 2020. Such amounts shall not be conditioned  
13    beyond requirements: (a) for participation in the medical assistance  
14    program established pursuant to title eleven of article 5 of the social  
15    services law; or (b) under applicable federal law, including but not  
16    limited to the federal public health service act (42 U.S.C. § 256b).  
17    2. Notwithstanding any law to the contrary, in establishing an execu-  
18    tive budget pursuant to article VII of the state constitution, the  
19    governor shall include additional funding sufficient to offset the  
20    financial losses to all comprehensive HIV special needs plans certified  
21    pursuant to section 4403-c of the public health law associated with the  
22    transition of the pharmacy benefit in the medical assistance program

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

LBD11200-02-4

1 (Medicaid) established pursuant to part FFF of chapter 56 of the laws of  
2 2020. The amount of such funding shall be sufficient to maintain the  
3 operational requirements of these plans. Such amounts shall not be  
4 conditioned beyond requirements: (a) for participation in the medical  
5 assistance program established pursuant to title eleven of article 5 of  
6 the social services law; or (b) under applicable federal law.  
7 § 2. This act shall take effect immediately.