

STATE OF NEW YORK

9040

IN SENATE

April 11, 2024

Introduced by Sen. GOUNARDES -- 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 prohibiting pharmacy benefit managers from penalizing pharmacies for providing customers certain information relating to the costs of prescription medications

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

1 Section 1. Subdivision 5 of section 280-a of the public health law,
2 as amended by chapter 128 of the laws of 2022, is amended to read as
3 follows:

4 5. Contract provisions. No pharmacy benefit manager shall, with
5 respect to contracts between such pharmacy benefit manager and a pharma-
6 cy or, alternatively, such pharmacy benefit manager and a pharmacy's
7 contracting agent, such as a pharmacy services administrative organiza-
8 tion:

9 (a) prohibit or penalize a pharmacist or pharmacy from disclosing to
10 an individual purchasing a prescription medication or service informa-
11 tion regarding:

12 (i) the cost of the prescription medication or service to the individ-
13 ual, or the cost of the prescription medication or service to the phar-
14 macy and the pharmacy's reimbursement for that prescription medication
15 or service; or

16 (ii) the availability of any therapeutically equivalent alternative
17 medications or alternative methods of purchasing the prescription medi-
18 cation, including but not limited to, paying a cash price; or

19 (b) charge or collect from an individual a copayment that exceeds the
20 total submitted charges by the pharmacy for which the pharmacy is paid.
21 If an individual pays a copayment, the pharmacy shall retain the adjudi-
22 cated costs and the pharmacy benefit manager shall not redact or recoup
23 the adjudicated cost.

24 § 2. This act shall take effect immediately.

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

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