STATE OF NEW YORK

3393

2025-2026 Regular Sessions

IN ASSEMBLY

January 27, 2025

Introduced by M. of A. HYNDMAN -- read once and referred to the Committee on Higher Education

AN ACT to amend the education law, in relation to prohibiting certain chain pharmacies from establishing quotas for duties performed by pharmacists and pharmacy technicians

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

Section 1. Section 6808 of the education law is amended by adding a new subdivision 3 to read as follows:

3. Chain community pharmacies; registration.

a. Definitions. For the purposes of this subdivision:

(1) "Chain community pharmacy" means a publicly traded company having at least twenty pharmacies in New York state under the same ownership.

(2) Except as provided in paragraph d of this subdivision, "quota" means a fixed number or formula related to the duties for which a pharmacist or pharmacy technician license is required, against which the chain community pharmacy or its agent measures or evaluates the number of times an individual pharmacist or pharmacy technician performs tasks or provides services while on duty.

b. Obtaining a registration. A chain community pharmacy shall be registered as follows:

(1) The application shall be made on a form prescribed by the department.

(2) The application shall be accompanied by a fee of one thousand dollars.

c. Prohibition of quotas.

(1) No chain community pharmacy, as defined in paragraph a of this subdivision, shall establish, implement or enforce any quota related to the duties for which a pharmacist or pharmacy technician license is required, including, but not limited to the following duties:

(A) Prescriptions filled.

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

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(B) Services rendered to patients.
(C) Programs offered to patients.
(D) Revenue obtained.
(2) No chain community pharmacy shall, through its employees, contractors, or third-parties, communicate the existence of any quota prohibited pursuant to this subdivision to any pharmacist or pharmacy technician employed by such chain community pharmacy or with whom such chain community pharmacy contracts for services.
d. Exceptions.
(1) Nothing in this subdivision shall prohibit a chain community pharmacy from establishing policies and procedures that assist in assessing the competency and performance of a pharmacist or pharmacy technician in providing care to patients provided that any such policy or procedure shall not include or employ a quota relating to the duties and services described in subparagraph one of paragraph c of this subdivision.
(2) Nothing in this subdivision shall prohibit a chain community pharmacy from establishing or implementing a fixed number against which such chain community pharmacy or its agent measures or evaluates:
(A) The amount of revenue earned by a particular licensed chain community pharmacy, provided such number not calculated in relation to, or measured by, the tasks performed, or services provided by, individual pharmacists or pharmacy technicians.
(B) The competence, performance, or quality of care provided to patients by a pharmacist or pharmacy technician, provided such evaluation does not include an assessment of any of the duties or activities described in paragraph c of this subdivision.
(3) Nothing in this subdivision shall prohibit a chain community pharmacy from employing any performance metric required by state or federal regulators, provided such performance metric does not measure or evaluate the duties or activities described in paragraph c of this subdivision.

§ 2. This act shall take effect on the ninetieth day after it shall have become a law.