

STATE OF NEW YORK

6987

2025-2026 Regular Sessions

IN ASSEMBLY

March 18, 2025

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

AN ACT to amend the public health law, in relation to requiring transparency requirements for certain 340B 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
2 280-d to read as follows:
3 § 280-d. Accountability to safeguard benefits for vulnerable patients.
4 1. For the purposes of this section, the following terms shall have the
5 following meanings:
6 (a) "340B drug" shall mean a covered outpatient drug, as defined by 42
7 USC § 1396r-8(k)(2), that has been subject to any offer for reduced
8 prices by a manufacturer pursuant to 42 USC § 256b(a)(1), and is
9 purchased by a covered entity.
10 (b) "340B profits" shall mean the difference between aggregated
11 payments received from insurers, payors, or self-paying patients for all
12 340B drugs and the aggregate acquisition cost pay for all 340B drugs.
13 (c) "340B program" shall mean the federal drug pricing program
14 described in 42 USC § 256b.
15 (d) "Charity care" shall have the same meaning as ascribed to such
16 term as is found in line twenty-three of the S-10 Medicare cost work-
17 sheet or any successor form.
18 (e) "Contract pharmacy" shall mean a pharmacy with which a covered
19 entity has contracted to dispense 340B drugs on behalf of such covered
20 entity to patients of such covered entity, whether distributed in
21 person, via mail, or by other means.
22 (f) "Covered entity" shall have the same meaning as under 42 USC §
23 256b(a)(4).

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

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1 (g) "Low-income patient" shall mean a patient of a covered entity with
2 a family income below two hundred percent of the federal poverty guide-
3 lines.

4 2. Beginning April first, two thousand twenty-six, each covered entity
5 shall report to the department with respect to such covered entity and
6 separately for each offsite outpatient facility associated with such
7 covered entity, in a form and manner as determined by the department,
8 the following information about the prior year:

9 (a) Delineated by form of insurance or payor type, including but not
10 limited to Medicaid, Medicare, commercial insurance, and uninsured to
11 include:

12 (i) aggregated acquisition costs paid for all 340B drugs;

13 (ii) aggregated payments received from insurers, payors, and self-pay-
14 ing patients for all 340B drugs;

15 (iii) the total number of prescriptions and percentage of the covered
16 entity's prescriptions that were filled with 340B drugs; and

17 (iv) the percentage of patients served by a sliding fee scale for 340B
18 drugs at the point of sale for low-income patients.

19 (b) The total operating costs for such covered entity, and itemized
20 costs for:

21 (i) implementing direct pass through of 340B profits to patients in
22 the form of lower cost sharing for 340B drugs at the point of dispensing
23 or administration;

24 (ii) implementing a sliding fee scale for 340B drugs at the point of
25 sale for low-income patients; and

26 (iii) charity care.

27 (c) The total payments made to:

28 (i) contract pharmacies for 340B program related services and other
29 functions;

30 (ii) third-party administrators for managing any components of such
31 covered entity's 340B program; and

32 (iii) any other third parties in connection with 340B program-related
33 compliance, legal, educational, and/or administrative costs.

34 (d) The total number of contract pharmacies, including:

35 (i) the number of contract pharmacies located out-of-state and the
36 states in which such out-of-state pharmacies are located;

37 (ii) the total number of prescriptions and the percentage of the
38 covered entity's prescriptions that were filled at contract pharmacies,
39 delineated by in-state and out-of-state contract pharmacies;

40 (iii) the total remuneration paid to or retained by contract pharma-
41 cies or their affiliates for any 340B program-related services performed
42 on behalf of the covered entity; and

43 (iv) the percentage change in total remuneration paid to or retained
44 by contract pharmacies or their affiliates as described in subparagraph
45 (iii) of this paragraph compared to the prior year.

46 3. An officer of a covered entity shall certify the completeness and
47 accuracy of the report submitted pursuant to subdivision two of this
48 section.

49 4. The department shall post all reports submitted by covered entities
50 pursuant to subdivision two of this section on a publicly accessible
51 website.

52 § 2. This act shall take effect immediately.