

STATE OF NEW YORK

7119

2025-2026 Regular Sessions

IN ASSEMBLY

March 20, 2025

Introduced by M. of A. BICHOTTE HERMELYN, GIBBS -- read once and referred to the Committee on Health

AN ACT to amend the social services law, in relation to requiring each managed care provider to annually provide each participant in its program with a written list of mail-order pharmacies with which the managed care provider has a contract for coverage of prescription drugs

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

1 Section 1. Paragraph (u) of subdivision 4 of section 364-j of the
2 social services law, as amended by section 12 of part A of chapter 56 of
3 the laws of 2013, is amended to read as follows:
4 (u) A managed care provider that provides coverage for prescription
5 drugs shall permit each participant to fill any mail order covered
6 prescription, at [~~his or her~~] the participant's option, at any mail
7 order pharmacy or non-mail-order retail pharmacy in the managed care
8 provider network. If the managed care provider has designated one or
9 more pharmacies for filling prescriptions for a particular drug or
10 drugs, then such prescriptions may be filled, at the participant's
11 option, at any other pharmacy in the network, if the network pharmacy
12 chosen by the participant offers to accept a price that is comparable to
13 that of the pharmacy designated by the managed care provider. For the
14 purposes of this section, "mail order pharmacy" means a pharmacy whose
15 primary business is to receive prescriptions by mail, telefax or through
16 electronic submissions, and to dispense medication to patients through
17 the use of the United States mail or other common or contract carrier
18 services, and provides any consultation with patients electronically
19 rather than face to face. Every non-mail-order retail pharmacy in the
20 managed care provider's network with respect to any prescription drug
21 shall be deemed to be in the managed care provider's network for every
22 covered prescription drug. Each managed care provider subject to the

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

LBD10987-01-5

1 provisions of this paragraph shall annually provide each participant in
2 its program with a written list of mail-order pharmacies with which the
3 managed care provider has a contract for coverage of prescription drugs.

4 § 2. This act shall take effect on the one hundred eightieth day after
5 it shall have become a law; and shall apply to all contracts, agreements
6 and leases entered into on or after such date, provided, however that
7 the amendments to section 364-j of the social services law made by
8 section one of this act shall not affect the repeal of such section and
9 shall be deemed repealed therewith.