STATE OF NEW YORK

9184

2025-2026 Regular Sessions

IN ASSEMBLY

October 17, 2025

Introduced by M. of A. JACOBSON -- read once and referred to the Committee on Insurance

AN ACT to amend the general obligations law, in relation to providing limitations on overlapping control between insurance companies and pharmacy benefits managers and pharmacies

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

Section 1. The general obligations law is amended by adding a new section 5-338 to read as follows:

§ 5-338. Conflicting pharmacy ownership. 1. As used in this section:

(a) "Pharmacy" has the meaning set forth in section thirty-three hundred two of the public health law.

(b) "Pharmacy benefit manager" means a third-party administrator that manages prescription drug programs for health plans, negotiating costs and ensuring access to medications.

(c) "Indirect control" means any agreement, arrangement, contract, ownership stake, or other relationship that gives an owner or operator of a pharmacy the ability to influence or direct the operations of any insurance company or pharmacy benefits manager in the state.

2. It shall be unlawful for any person or entity to directly or indirectly own, operate, control, or direct the operation of the whole or any part of an insurance company and/or a pharmacy benefit manager and/or a pharmacy or any combination thereof.

3. Not later than three years after the effective date of this section, any person or entity in violation of subdivision two of this section shall divest from such pharmacy, insurance company, and/or pharmacy benefit manager.

4. The attorney general may bring a civil action against any person or entity that violates this section and may recover the following:

(a) a civil penalty of ten thousand dollars per day for a violation of this section; and

(b) costs and reasonable attorneys' fees.

§ 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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