

STATE OF NEW YORK

9184--A

2025-2026 Regular Sessions

IN ASSEMBLY

October 17, 2025

Introduced by M. of A. JACOBSON, KAY, SCHIAVONI, REYES, SANTABARBARA, EACHUS, DINOWITZ, MORENO, CONRAD -- read once and referred to the Committee on Insurance -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

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:

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

3 § 5-338. Conflicting pharmacy ownership. 1. As used in this section:

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

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

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

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

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

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

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

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

3 (b) costs and reasonable attorneys' fees.

4 5. An insurance company, pharmacy, or pharmacy benefit manager found
5 in violation of this section by the attorney general shall be ineligible
6 to receive payment under any program authorized pursuant to article five
7 of the social services law until such violation is deemed resolved by
8 the attorney general.

9 § 2. This act shall take effect immediately.