§ 241. Definitions. For purposes of this title, the terms:

1. "Covered drug" shall mean a drug dispensed subject to a legally authorized prescription pursuant to section sixty-eight hundred ten of the education law, and insulin, an insulin syringe, or an insulin needle. Such term shall not include: (a) any drug determined by the commissioner of the federal food and drug administration to be ineffective or unsafe; (b) any drug dispensed in a package, or form of dosage or administration, as to which the commissioner of health finally determines in accordance with the provisions of section two hundred fifty-two of this title that a less expensive package, or form of dosage or administration, is available that is pharmaceutically equivalent and equivalent in its therapeutic effect for the general health characteristics of the eligible program participant population; (c) any device for the aid or correction of vision, or any drug, including vitamins, which is generally available without a physician's prescription; and (d) drugs for the treatment of sexual or erectile dysfunction, unless such drugs are used to treat a condition, other than sexual or erectile dysfunction, for which the drugs have been approved by the federal food and drug administration. For the purpose of this title, except as otherwise provided in this section, a covered drug shall be dispensed in quantities no greater than a thirty day supply or one hundred units, whichever is greater. In the case of a drug dispensed in a form of administration other than a tablet or capsule, the maximum allowed quantity shall be a thirty day supply; the commissioner is authorized to approve exceptions to these limits for specific products following consideration of recommendations from pharmaceutical or medical experts regarding commonly packaged quantities, unusual forms of administration, length of treatment or cost effectiveness. In the case of a drug prescribed pursuant to section thirty-three hundred thirty-two of the public health law to treat one of the conditions that have been enumerated by the commissioner of health pursuant to regulation as warranting the prescribing of greater than a thirty day supply, such drug shall be dispensed in quantities not to exceed a three month supply.

2. "Provider pharmacy" shall mean a pharmacy registered in the state

of New York pursuant to section sixty-eight hundred eight of the education law, a non-resident establishment registered pursuant to section sixty-eight hundred eight-b of the education law, or a pharmacy registered in a state bordering the state of New York when certified as necessary by the executive director pursuant to section two hundred fifty-three of this title, for which an agreement to provide pharmacy services for purposes of this program pursuant to section two hundred forty-nine of this title is in effect.

3. "Income" shall mean "household gross income" as defined in the real property tax circuit breaker credit program, pursuant to subparagraph (C) of paragraph one of subsection (e) of section six hundred six of the tax law, but only shall include the income of program applicants and spouses and shall exclude the income of other members of the household.

4. "Contractor" shall mean a private not-for-profit or proprietary corporation which has entered into a contractual arrangement with the state to carry out the provisions of section two hundred forty-three of this title.

5. "Resident" shall mean an individual legally domiciled within the state.

6. "Annual coverage period" shall mean the period of twelve consecutive calendar months for which an eligible program participant has met the application fee or deductible requirements, as the case may be, of sections two hundred forty-seven and two hundred forty-eight of this title.

7. "Program year" shall mean a year beginning on October first and ending the following September thirtieth.

8. "Medicare part D excluded drug classes" shall mean any drugs or classes of drugs, or their medical uses, which are described in section 1927(d)(2) or 1927(d)(3) of the federal social security act, with the exception of smoking cessation agents.