



NEW YORK STATE SENATOR

Joseph A. Griffo

Griffo, Brindisi support legislation that will help individuals better manage their health, healthcare costs

JOSEPH A. GRIFFO March 15, 2018

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ALBANY – State Sen. Joseph Griffo, R-Rome, and state Assemblyman Anthony Brindisi, D-Utica, announced today that the Senate and Assembly have passed a bill that helps fight the high cost of prescriptions by preventing consumers from overpaying for medications.

This new measure (S6940/A8781) helps consumers become better informed about the price of drugs and prohibits two costly practices – gag clauses and clawbacks – used by pharmacy benefit managers (PBMs). Each have come into question recently as prescription drug prices continue to rise. Sen. Griffo and Assemblyman Brindisi both supported the bill and had sponsored similar legislation (S7191/A9893).

Pharmacy clawbacks occurs when a patient pays the pharmacy a copayment that is more than the actual cost of the drug, the PBM then recoups or clawsback the excess cost collected by the pharmacy. Some reports suggest clawbacks happen in 10 percent of pharmacist transactions. Gag clauses, meanwhile, prohibit pharmacists from telling a consumer the price

of the medication or the fact that if they simply pay out of pocket the drug would actually cost less. PBMs prohibit such disclosure as it would limit their ability to clawback. This legislation would prohibit such practices.

“It is important that we free pharmacists from the constraint of gag orders in order to allow them to properly serve patients when it comes to prescriptions,” Sen. Griffo said. “This bill, and the one I sponsored similar to it, will allow pharmacists to use their education, training and professional expertise to make recommendations based upon what they know of their patient, their history and the medical condition for which they are being treated.”

“In many cases, their neighborhood pharmacist is an important source of information about medications and how to save money on health care,” Assemblyman Brindisi said. “This legislation is similar to laws that already have taken effect in other states, so that consumers in our state are not paying more than they should for prescription medications, at a time when health care costs are a major concern for many people.”

The bill, which was sponsored by Sen. Kemp Hannon, R-Nassau, and Assemblywoman Linda Rosenthal, D-Manhattan, will now be sent to the Governor.

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