



---

## NEW YORK STATE SENATE DEMOCRATIC MAJORITY

---

For Immediate Release: May 24, 2022

Contact: Jonathan Heppner | heppner@nysenate.gov | 518-455-2415

### **Senate Majority to Advance Legislation to Make Prescription Drugs More Affordable**

(Albany, NY) The Senate Democratic Majority today will advance legislation to improve the accessibility and affordability of prescription drugs for all New Yorkers. The proposed bills would reduce the cap on cost-sharing for insulin from \$100 to \$30 per month, assist seniors with prescription fees, and make all third-party discounts, vouchers, and financial assistance for prescription drugs made on behalf of the insured individual applicable to their co-payment, deductible, co-insurance, and out-of-pocket maximum. Given the new legislation, seniors will now be eligible for the Elderly Pharmaceutical Insurance Coverage Program if they have enrolled in the Medicare Part D insurance plan and any other comparable plan.

In addition to cost-saving initiatives, the legislation will also promote prescription drug awareness and provide information on cost-increase measures. One bill requires pharmaceutical companies to offer a sixty-day notice of their intent to raise the cost of a prescription drug if the increase is greater than 10%. In 2016, when Mylan increased the cost of their two-package Auto-Injectors from \$100 to \$600 per package, thousands of Americans were left wondering how they could afford this life-saving drug. There are at least 90,000 emergency room visits due to anaphylactic shock every year.

**Senate Majority Leader Andrea Stewart-Cousins**, said, “An estimated 1.7 million New Yorkers suffer from diabetes, and it is the 7th leading cause of death in the nation. Making the cost of insulin more affordable will help over a million New Yorkers who depend on insulin for survival. While we are still combating the COVID-19 pandemic, the Senate Majority is dedicated to providing affordable healthcare and life-saving medications. I’m glad we could deliver a package that will help lower the cost of medicine, and help New York get back on track. We are holding pharmaceutical companies accountable, and working with them to offer more affordable medication. I thank the Chair of the Senate Committee on Health, Senator Gustavo Rivera, and the bill sponsors for their important efforts.”

**Chair of the Senate Committee on Health, Senator Gustavo Rivera**, said, “The high cost of insulin is putting the lives of diabetic New Yorkers at risk, especially those who are financially strained, today we are reducing the cap on cost sharing for insulin from the current \$100 to \$30 per month. The other bills I’m sponsoring in this package will make crucial reforms to third-party payments for co-pays and reform the eligibility criteria for the EPIC program to help a greater number of our seniors afford their prescriptions. I’d like to thank Majority Leader Andrea Stewart-Cousins for supporting this legislation that will continue to expand access and affordability of prescription drugs for New Yorkers.”

The legislation being passed by the Senate Majority includes:

- **Cap On Cost Sharing For Insulin:** This bill, S.1413, sponsored by Senator Gustavo Rivera, reduces the cap on cost sharing for insulin from the current \$100 per insulin per month to \$30 per month.
- **Elderly Pharmaceutical Insurance Coverage Program Eligibility:** This bill, S.2535A, sponsored by Senator Gustavo Rivera, sets the eligibility criteria for the Elderly Pharmaceutical Insurance Coverage Program. The bill specifies that participants must be enrolled in Medicare part D or any other public or private drug plan that successfully proves the coverage is similar or better than the defined standards coverage under the Medicare Part D prescription drug benefit.
- **Third-Party Payments For Co-Pays:** This bill, S.5299A, sponsored by Senator Gustavo Rivera, requires any third-party payments, financial assistance, discount, voucher or other price reduction instrument for out-of-pocket expenses made on behalf of an insured individual for the cost of prescription drugs to be applied to the insured's deductible, copayment, coinsurance, out-of-pocket maximum, or any other cost-sharing requirement when calculating such insured individual's overall contribution to any out-of-pocket maximum or any cost-sharing requirement.
- **Substitution Of Biosimilar Medications:** This bill, S.8465, sponsored by Senator Gustavo Rivera, will make the existing temporary law a permanent law that allows pharmacists to substitute biosimilar medications under certain conditions.
- **Sixty-Day Notice Drug Cost Increase:** This bill, S.7499B, sponsored by Senator Julia Salazar, requires manufacturers to provide at least 60 day notice of their intent to raise wholesale prescription drug costs to the Department of Financial Services if the increase is 10% or more of the total cost of the drug.
- **Wholesale Drug Importation:** This bill, S.1737, sponsored by Senator James Skoufis, will create a state program to import prescription drugs from other countries at a lower cost. In this program, a wholesaler is allowed to import drugs that meet U.S. F.D.A. standards from only suppliers who are regulated and authorized under the laws of their country for distribution and sale only in New York.
- **Drug Failure Protocols:** This bill, S.8191, sponsored by Senator Neil Breslin, requires a utilization review agent to follow certain rules when establishing a step therapy protocol. It requires that the protocol accepts any attestation submitted by the insured's health care professional stating that a required drug has failed as prima facie evidence that the required drug has failed.
- **Patient RX Information and Choice Expansion Act (PRICE Act):** This bill, S.4620C, sponsored by Senator Neil Breslin, requires health plans to furnish in real-time cost, benefit, and coverage data to the enrollee, his or her health care provider, or the third-party of his or her choosing.
- **Thirty-Day Supply For State Disaster Emergencies:** This bill, S.4856, sponsored by Senator Elijah Reichlin-Melnick, requires policies and contracts that provide coverage for prescription drugs to include coverage of an immediate additional thirty-day supply of a prescription drug during a state disaster emergency.
- **Prescription Drugs From Out Of State:** This bill, S.5489 sponsored by Senator Samra Brouk, authorizes pharmacies to receive prescription drugs from other pharmacies outside of New York in the case of a public health emergency, guaranteeing patient access to medications.
- **Price-Gouging For Medicine:** This bill, S.3081A, sponsored by Senator Julia Salazar, prohibits selling a drug subject to a shortage for an unconscionably excessive price. The bill adds medicine to the list of goods and services that can be classified as possibly being subject to price gouging. The classification of medicines falling under this section of law will be determined by the publicly reported drug shortages reported by the U.S. Food and Drug Administration.

- **Prohibits the Application of Fail-First or Step Therapy Protocols:** This bill, S.5909, sponsored by Senator Todd Kaminsky, prohibits the application of fail-first or step therapy protocols to coverage for the diagnosis and treatment of mental health conditions.

**Bill sponsor Neil Breslin** said, “This legislative package will not only improve patient outcomes but will reduce prescription costs for hard-working New Yorkers. I am particularly proud to be the prime sponsor of two of these important measures that will both make prescription pricing information more available to patients as well as improving step therapy protocols so people can receive the treatment they and their provider feel is the most beneficial.”

**Bill sponsor Samra Brouk** said, “For decades, New Yorkers have struggled with the burden of out-of-control healthcare costs—causing families to ration medications and delay seeking treatment while crippling them with debilitating medical debt. As the State now faces an affordability crisis and workers are seeing their hard-earned pay go only a fraction as far as it did yesterday, today’s package to take on prescription drug costs is the decisive action our families have long needed from the Senate. I look forward to this package not only making a significant difference for individual families in my community but uplifting the health of our entire region and state. Healthcare is a human right and as Senator I’m committed to protecting this right and expanding access to affordable care.”

**Bill sponsor Senator Todd Kaminsky** said, “There is a mental health crisis in our country and we must ensure that the best care possible is given to those who are suffering. “Fail-first” protocols harm patients and only exacerbates the mental health crisis - while increasing costs for consumers. It is time to put an end to these protocols and I am proud to see the senate take this important step.”

**Bill sponsor Senator Elijah Reichlin-Melnick** said, “When preparing for a potential disaster, the last thing someone wants to be concerned about is whether they’ll have access to their potentially lifesaving prescription medication. Right now, even during a declared emergency, some insurance policies do not provide their customers with a process to obtain their prescriptions. I am proud to sponsor this bill to enable a person to obtain an additional 30-day supply of their prescribed medication during a declared emergency.”

**Bill sponsor Senator Julia Salazar** said, “In today's day and age, prescription drugs are either the saving grace for an elder or the greatest scientific support we can provide an ailing patient. Holding drug companies accountable to the public is fair and will save lives. Ensuring that patients have equitable and affordable prescription drug access is our duty as state legislators. I am proud to sponsor two bills in this package and to work with my colleagues to prevent overreaching and price gouging by drug manufacturers. We must act to keep our state ready for the needs of the aging and ailing communities.”

**Bill sponsor Senator James Skoufis** said, “Driving down costs at the pharmacy isn't just a matter of convenience: for some, it's a matter of life and death. I applaud my majority colleagues for advancing this meaningful slate of reforms to bring prescription drug prices back down to earth and improve health outcomes for all New Yorkers. My bill to create a wholesale import program for FDA-approved prescription drugs from other countries is a key step to combat excessive drug prices and preserve community health.”

###