

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1437 Session of  
2010

INTRODUCED BY MENSCH, WAUGH, RAFFERTY, ERICKSON, O'PAKE,  
D. WHITE, BOSCOLA, VOGEL AND ORIE, JULY 3, 2010

REFERRED TO AGING AND YOUTH, JULY 3, 2010

AN ACT

1 Amending the act of April 9, 1929 (P.L.343, No.176), entitled,  
2 as amended, "An act relating to the finances of the State  
3 government; providing for the settlement, assessment,  
4 collection, and lien of taxes, bonus, and all other accounts  
5 due the Commonwealth, the collection and recovery of fees and  
6 other money or property due or belonging to the Commonwealth,  
7 or any agency thereof, including escheated property and the  
8 proceeds of its sale, the custody and disbursement or other  
9 disposition of funds and securities belonging to or in the  
10 possession of the Commonwealth, and the settlement of claims  
11 against the Commonwealth, the resettlement of accounts and  
12 appeals to the courts, refunds of moneys erroneously paid to  
13 the Commonwealth, auditing the accounts of the Commonwealth  
14 and all agencies thereof, of all public officers collecting  
15 moneys payable to the Commonwealth, or any agency thereof,  
16 and all receipts of appropriations from the Commonwealth,  
17 authorizing the Commonwealth to issue tax anticipation notes  
18 to defray current expenses, implementing the provisions of  
19 section 7(a) of Article VIII of the Constitution of  
20 Pennsylvania authorizing and restricting the incurring of  
21 certain debt and imposing penalties; affecting every  
22 department, board, commission, and officer of the State  
23 government, every political subdivision of the State, and  
24 certain officers of such subdivisions, every person,  
25 association, and corporation required to pay, assess, or  
26 collect taxes, or to make returns or reports under the laws  
27 imposing taxes for State purposes, or to pay license fees or  
28 other moneys to the Commonwealth, or any agency thereof,  
29 every State depository and every debtor or creditor of the  
30 Commonwealth," in general budget implementation, further  
31 providing for the Department of Aging.

32 The General Assembly of the Commonwealth of Pennsylvania

1 hereby enacts as follows:

2 Section 1. Section 1717-E of the act of April 9, 1929  
3 (P.L.343, No.176), known as The Fiscal Code, added July 17, 2007  
4 (P.L.141, No.42), is amended to read:

5 Section 1717-E. Department of Aging [(Reserved)].

6 (a) Limitation.--For fiscal year 2010-2011, the Department  
7 of Aging shall not apply for inclusion in any national  
8 multistate purchasing program for pharmaceuticals or take any  
9 other action to join a national multistate purchasing program  
10 unless the General Assembly amends the act of August 26, 1971  
11 (P.L.351, No.91), known as the State Lottery Law, to authorize  
12 such application.

13 (b) Drug manufacturer rebates and discounts.--For fiscal  
14 year 2010-2011, the Department of Aging shall maximize the  
15 collection of revenue associated with enhanced drug manufacturer  
16 rebates and manufacturer discounts for Medicare Part D  
17 beneficiaries as provided for under the Patient Protection and  
18 Affordable Care Act (Public Law 111-148, 124 Stat. 119) and the  
19 Health Care Education Reconciliation Act of 2010 (Public Law  
20 111-152, 124 Stat. 1029). Funds collected under the provisions  
21 of these acts shall remain in the Pharmaceutical Assistance  
22 Contract for the Elderly program. The Department of Aging shall  
23 not capture, nor attempt to capture, any funds associated with  
24 the one-time \$250 rebate to certain Medicare Part D  
25 beneficiaries as provided under the Patient Protection and  
26 Affordable Care Act.

27 Section 2. This act shall take effect immediately.