INSURANCE COVERAGE FOR ABUSE DETERRENT OPIOID ANALGESIC DRUG PRODUCTS

2015 GENERAL SESSION
STATE OF UTAH

Chief Sponsor:  Jerry W. Stevenson  
House Sponsor:  ____________

LONG TITLE

General Description:
This bill enacts language related to a health benefit plan that covers an opioid analgesic drug product.

Highlighted Provisions:
This bill:
- requires a health benefit plan that covers an opioid analgesic drug product to cover abuse-deterrent opioid analgesic drug products and meet other certain requirements.

Money Appropriated in this Bill:
None

Other Special Clauses:
None

Utah Code Sections Affected:
ENACTS:
31A-22-644, Utah Code Annotated 1953

Be it enacted by the Legislature of the state of Utah:
Section 1. Section 31A-22-644 is enacted to read:
(1) As used in this section:
(a) "Abuse-deterrent opioid analgesic drug product" means an opioid analgesic drug product with labeling approved by the United States Food and Drug Administration that indicates that the product has properties that are expected to reduce abuse of the product.

(b) "Cost-sharing" means any coverage limit, copayment, coinsurance, deductible, or similar out-of-pocket expense incurred by an insured under a policy or certificate of health insurance.

(c) (i) "Health benefit plan" means a contract for health insurance described in Section 31A-22-600.

(ii) "Health benefit plan" includes a plan offered under Chapter 8, Health Maintenance Organizations and Limited Health Plans.

(d) "Lowest cost-sharing level" means the cost-sharing requirements applied to a drug product for which an insured incurs the least amount of out-of-pocket expenses.

(e) "Opioid analgesic drug product" means a drug product in the opioid analgesic drug class that is prescribed to treat moderate to severe pain, regardless of whether the drug is combined with other substances in a single product or dosage form.

(2) A health benefit plan that provides coverage of opioid analgesic drug products shall provide coverage of abuse-deterrent opioid analgesic drug products.

(3) A health benefit plan may not impose:

(a) cost-sharing requirements on the coverage of abuse-deterrent opioid analgesic drug products that exceed the lowest cost-sharing level for any other prescription drug covered by the plan; or

(b) prior authorization requirements or other utilization control measures to require initial treatment using an opioid analgesic drug product without abuse-deterrent properties before an insured may be prescribed or dispensed an abuse-deterrent opioid analgesic drug product.

(4) A health benefit plan may impose on an abuse-deterrent opioid analgesic drug product prior authorization requirements or other utilization control measures only if the same requirements or measures are applied to another opioid analgesic drug product without abuse-deterrent properties.

(5) An insurer may not:

(a) increase the lowest cost-sharing level imposed on drugs covered by the plan in
order to comply with this section; or
(b) create a financial disincentive for a prescriber or dispenser to prescribe or dispense
an abuse-deterrent opioid analgesic drug product.