

S.B. 265

INSURANCE COVERAGE FOR ABUSE DETERRENT OPIOID ANALGESIC DRUG PRODUCTS

Senator **Jerry W. Stevenson** proposes the following amendments:

1. *Page 1, Line 27 through Page 2, Line 34:*

27 (1) As used in this section:

28 (a) "Abuse-deterrent formulation" means drug properties defined by the Food and Drug Administration guidance or other Food and Drug Administration policy that target expected routes of abuse.

29 ~~{(a)}~~ (b) "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.

30 ~~{(b)}~~ (c) "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.

31 (d) "Generic drug type" means the chemical or generic USAN name of those drug products having exactly the same active chemical ingredients in exactly the same strength and quantity.

32 ~~{(c)}~~ (e) (i) "Health benefit plan" means a contract for health insurance described in Section

2. *Page 2, Line 38:*

38 ~~{(d)}~~ (f) "Lowest cost-sharing level" means the cost-sharing requirements applied to a drug

3. *Page 2, Lines 39 through 40:*

39 product for which an insured incurs the least amount of out-of-pocket expenses.

40 ~~{(e)}~~ (g) "Opioid analgesic drug product" means a drug product in the opioid analgesic drug

4. *Page 2, Lines 42 through 53:*

42 combined with other substances in a single product or dosage form.

(h) "USAN name" means the official nonproprietary name published in the United States Pharmacopeia Convention Dictionary of United States Adopted Names and International Drug Names by the United States Adopted Names Council.

43 (2) A health benefit plan that provides coverage of opioid analgesic drug products shall provide coverage of one or more abuse-deterrent opioid analgesic drug products for each opioid generic drug type and abuse-deterrent formulation of the specific generic drug type .

44 ~~{(3) A health benefit plan may not impose:~~

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

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

53 ~~{(4)}~~ (3) A health benefit plan may impose on an abuse-deterrent opioid analgesic drug

5. *Page 3, Lines 54 through 58:*

54 product prior authorization requirements or other utilization control measures only if the same
55 requirements or measures are applied to {another} the same opioid {analgesic drug
56 product} generic drug type without
57 abuse-deterrent properties.

57 ~~{(5)}~~ (4) An insurer may not:

58 (a) increase the lowest cost-sharing level imposed on drugs covered by the plan in