

AN ACT

1 Providing for coverage requirements by an insurance carrier or
2 health insurance plan for abuse-deterrent opioid analgesic
3 drug products.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Short title.

7 This act shall be known and may be cited as the Abuse-
8 Deterrent Opioid Analgesic Drug Products Coverage Act.

9 Section 2. Findings and declarations.

10 The General Assembly finds and declares as follows:

11 (1) The abuse of opioids is a serious problem that
12 affects the health, social and economic welfare of this
13 Commonwealth.

14 (2) An estimated 2.1 million people in the United States
15 suffered from substance use disorders related to prescription
16 opioid pain relievers in 2012.

17 (3) The number of unintentional overdose deaths from
18 prescription opioid pain relievers has more than quadrupled

1 in the United States since 1999.

2 (4) It is imperative for people suffering from pain to
3 get the relief they need while minimizing the potential for
4 negative consequences.

5 (5) The human suffering caused by drug addiction,
6 including the effect on the loved ones of the individuals
7 suffering from drug addiction, has now reached epidemic
8 proportions in this Commonwealth.

9 Section 3. Definitions.

10 The following words and phrases when used in this act shall
11 have the meanings given to them in this section unless the
12 context clearly indicates otherwise:

13 "Abuse-deterrent opioid analgesic drug product." A brand or
14 generic opioid analgesic drug product approved by the United
15 States Food and Drug Administration with abuse-deterrence
16 labeling claims indicating its abuse-deterrent properties are
17 expected to deter or reduce its abuse.

18 "Cost-sharing." The cost to an individual insured under a
19 health insurance plan according to any coverage limit,
20 copayment, coinsurance, deductible or other out-of-pocket
21 expense requirements imposed by the health insurance plan.

22 "Health insurance carrier." An entity that offers or issues
23 a health insurance plan and is subject to any of the following:

24 (1) The act of May 17, 1921 (P.L.682, No.284), known as
25 The Insurance Company Law of 1921.

26 (2) The act of December 29, 1972 (P.L.1701, No.364),
27 known as the Health Maintenance Organization Act.

28 (3) 40 Pa.C.S. Chs. 61 (relating to hospital plan
29 corporations) or 63 (relating to professional health services
30 plan corporations).

1 "Health insurance plan." A policy, contract, certificate or
2 agreement offered or issued by a health insurance carrier to
3 provide for the costs of health care services. The term does not
4 include the following types of policies:

5 (1) Accident only.

6 (2) Limited benefit.

7 (3) Credit.

8 (4) Vision.

9 (5) Specified disease.

10 (6) Civilian Health and Medical Program of the Uniformed
11 Services (CHAMPUS) supplement.

12 (7) Long-term care or disability income.

13 (8) Workers' compensation.

14 (9) Automobile medical payment.

15 "Opioid analgesic drug product." A drug product that
16 contains an opioid agonist and is designated by the United
17 States Food and Drug Administration for the treatment of pain,
18 notwithstanding whether or not the drug product is in an
19 immediate release or extended release formulation or contains
20 other drug substances.

21 Section 4. Coverage requirements for abuse-deterrent opioid
22 analgesic drug products.

23 (a) Requirement.--A health insurance carrier or health
24 insurance plan shall provide coverage on its formulary, drug
25 list or other lists of similar construct for at least one abuse-
26 deterrent opioid analgesic drug product per opioid analgesic
27 active ingredient.

28 (b) Cost-sharing.--The following apply:

29 (1) Cost-sharing for brand name abuse-deterrent opioid
30 analgesic drug products shall not exceed the lowest cost-

1 sharing level applied to brand name prescription drugs
2 covered under the health insurance plan.

3 (2) Cost-sharing for generic abuse-deterrent opioid
4 analgesic drug products shall not exceed the lowest cost-
5 sharing level applied to generic prescription drugs covered
6 under the health insurance plan.

7 (3) An increase in cost-sharing or other disincentives
8 for prescribers or dispensers may not be used to achieve
9 compliance with this section.

10 Section 5. Utilization management.

11 (a) Prohibition.--A health insurance carrier or health
12 insurance plan shall not require an insured or enrollee to first
13 use a drug product that is not an abuse-deterrent opioid
14 analgesic drug product before providing coverage for an abuse-
15 deterrent opioid analgesic drug product.

16 (b) Construction.--Nothing in this section shall be
17 construed to prevent a health insurance carrier or health
18 insurance plan from applying utilization review requirements,
19 including prior authorization, to abuse-deterrent opioid
20 analgesic drug products if the requirements are applied to all
21 opioid analgesic drug products with the same type of drug
22 release, immediate or extended.

23 Section 6. Applicability.

24 This act shall apply as follows:

25 (1) For health insurance plans for which rates or forms
26 are required to be filed with the Insurance Department or the
27 Federal Government, this act shall apply to a policy for
28 which a form or rate is filed on or after the effective date
29 of this section.

30 (2) For health insurance plans for which rates or forms

1 are not required to be filed with the Insurance Department or
2 the Federal Government, this act shall apply to a policy
3 issued or renewed on or after 180 days after the effective
4 date of this section.

5 Section 7. Effective date.

6 This act shall take effect in 60 days.