

SENATE BILL 606

C3, J1

5r1725
CF 5r1728

By: **Senators Pugh, Astle, Benson, Conway, Currie, DeGrange, Eckardt, Feldman, Ferguson, Gladden, Guzzone, Jennings, Kagan, King, Klausmeier, Lee, Manno, Mathias, McFadden, Miller, Muse, Nathan-Pulliam, Peters, Ramirez, Young, and Zirkin**

Introduced and read first time: February 6, 2015

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Health Insurance – Abuse–Deterrent Opioid Analgesic Drug Products –**
3 **Coverage**

4 FOR the purpose of requiring certain insurers, nonprofit health service plans, and health
5 maintenance organizations to provide coverage for abuse–deterrent opioid analgesic
6 drug products; prohibiting the insurers, nonprofit health service plans, and health
7 maintenance organizations from imposing certain limits or cost–sharing
8 requirements on coverage for abuse–deterrent opioid analgesic drug products that
9 are less favorable to an insured or an enrollee than the limits or cost–sharing
10 requirements that apply to coverage for any other opioid analgesic drug product;
11 prohibiting the insurers, nonprofit health service plans, and health maintenance
12 organizations from requiring an insured or an enrollee to first use a certain drug
13 product before providing coverage for an abuse–deterrent opioid analgesic drug
14 product; prohibiting the insurers, nonprofit health service plans, and health
15 maintenance organizations from increasing certain cost–sharing requirements or
16 other out–of–pocket expenses to achieve certain compliance; authorizing the
17 insurers, nonprofit health service plans, and health maintenance organizations to
18 undertake utilization review for an abuse–deterrent opioid analgesic drug product
19 under certain circumstances; defining certain terms; providing for the application of
20 this Act; and generally relating to health insurance coverage for abuse–deterrent
21 opioid analgesic drug products.

22 BY adding to
23 Article – Insurance
24 Section 15–848
25 Annotated Code of Maryland
26 (2011 Replacement Volume and 2014 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Preamble

WHEREAS, Prescription opioid analgesics are an important treatment option for individuals with severe pain, such as those who have experienced catastrophic or acute injuries, often allowing some to resume their daily activities; and

WHEREAS, Some individuals, however, have abused and misused opioid analgesics, creating urgent and growing public health concerns; and

WHEREAS, The U.S. Food and Drug Administration recognizes and considers the development of opioids that are formulated to deter abuse a high public health priority; and

WHEREAS, Maryland recognizes the need to eliminate barriers to abuse-deterrent formulations as an important step in reducing abuse of opiates while ensuring that these medicines remain available to those who need them for legitimate medical purposes; now, therefore,

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

Article – Insurance**15–848.**

(A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(2) “ABUSE–DETERRENT OPIOID ANALGESIC DRUG PRODUCT” MEANS A BRAND NAME OR GENERIC OPIOID ANALGESIC DRUG PRODUCT APPROVED BY THE U.S. FOOD AND DRUG ADMINISTRATION WITH ABUSE–DETERRENT LABELING THAT INDICATES THE DRUG PRODUCT IS EXPECTED TO RESULT IN A MEANINGFUL REDUCTION IN ABUSE.

(3) “OPIOID ANALGESIC DRUG PRODUCT” MEANS A DRUG PRODUCT THAT CONTAINS AN OPIOID AGONIST AND IS INDICATED BY THE U.S. FOOD AND DRUG ADMINISTRATION FOR THE TREATMENT OF PAIN, REGARDLESS OF WHETHER THE DRUG PRODUCT:

**(I) IS IN IMMEDIATE RELEASE OR EXTENDED RELEASE FORM;
OR**

(II) CONTAINS OTHER DRUG SUBSTANCES.

(B) (1) THIS SECTION APPLIES TO:

1 **(I) INSURERS AND NONPROFIT HEALTH SERVICE PLANS THAT**
2 **PROVIDE COVERAGE FOR PRESCRIPTION DRUGS UNDER INDIVIDUAL, GROUP, OR**
3 **BLANKET HEALTH INSURANCE POLICIES OR CONTRACTS THAT ARE ISSUED OR**
4 **DELIVERED IN THE STATE; AND**

5 **(II) HEALTH MAINTENANCE ORGANIZATIONS THAT PROVIDE**
6 **COVERAGE FOR PRESCRIPTION DRUGS UNDER INDIVIDUAL OR GROUP CONTRACTS**
7 **THAT ARE ISSUED OR DELIVERED IN THE STATE.**

8 **(2) AN INSURER, A NONPROFIT HEALTH SERVICE PLAN, OR A HEALTH**
9 **MAINTENANCE ORGANIZATION THAT PROVIDES COVERAGE FOR PRESCRIPTION**
10 **DRUGS THROUGH A PHARMACY BENEFITS MANAGER IS SUBJECT TO THE**
11 **REQUIREMENTS OF THIS SECTION.**

12 **(C) (1) AN ENTITY SUBJECT TO THIS SECTION SHALL PROVIDE**
13 **COVERAGE FOR ABUSE-DETERRENT OPIOID ANALGESIC DRUG PRODUCTS.**

14 **(2) AN ENTITY SUBJECT TO THIS SECTION MAY NOT:**

15 **(I) IMPOSE DOLLAR LIMITS, COPAYMENTS, DEDUCTIBLES, OR**
16 **COINSURANCE REQUIREMENTS ON COVERAGE FOR AN ABUSE-DETERRENT OPIOID**
17 **ANALGESIC DRUG PRODUCT THAT ARE LESS FAVORABLE TO AN INSURED OR AN**
18 **ENROLLEE THAN THE DOLLAR LIMITS, COPAYMENTS, DEDUCTIBLES, OR**
19 **COINSURANCE REQUIREMENTS THAT APPLY TO COVERAGE FOR ANY OTHER OPIOID**
20 **ANALGESIC DRUG PRODUCT; OR**

21 **(II) REQUIRE AN INSURED OR AN ENROLLEE TO FIRST USE AN**
22 **OPIOID ANALGESIC DRUG PRODUCT WITHOUT ABUSE-DETERRENT LABELING**
23 **BEFORE PROVIDING COVERAGE FOR AN ABUSE-DETERRENT OPIOID ANALGESIC**
24 **DRUG PRODUCT.**

25 **(3) AN ENTITY SUBJECT TO THIS SECTION MAY NOT INCREASE**
26 **COPAYMENTS, DEDUCTIBLES, OR COINSURANCE REQUIREMENTS OR OTHER**
27 **OUT-OF-POCKET EXPENSES IMPOSED ON OPIOID ANALGESIC DRUG PRODUCTS TO**
28 **ACHIEVE COMPLIANCE WITH THIS SECTION.**

29 **(D) NOTWITHSTANDING SUBSECTION (C)(2) OF THIS SECTION, AN ENTITY**
30 **SUBJECT TO THIS SECTION MAY UNDERTAKE UTILIZATION REVIEW, INCLUDING**
31 **PRAUTHORIZATION, FOR AN ABUSE-DETERRENT OPIOID ANALGESIC DRUG**
32 **PRODUCT, IF THE SAME UTILIZATION REVIEW REQUIREMENTS ARE APPLIED TO**
33 **NON-ABUSE-DETERRENT OPIOID ANALGESIC DRUG PRODUCTS.**

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to all
2 policies, contracts, and health benefit plans issued, delivered, or renewed in the State on or
3 after October 1, 2015.

4 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 October 1, 2015.