

2014 -- S 2534

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2014

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A N A C T

RELATING TO INSURANCE - ACCESS TO ABUSE-DETERRENT PAIN MEDICATIONS

Introduced By: Senators Miller, Satchell, Picard, Goldin, and Jabour

Date Introduced: February 27, 2014

Referred To: Senate Health & Human Services

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 27-18 of the General Laws entitled "Accident and Sickness
2 Insurance Policies" is hereby amended by adding thereto the following section:

3 **4 27-18-82. Access to Abuse-Deterrent Pain Medications.--** (a) Every individual or
4 group health insurance contract or every individual or group hospital or medical expense
5 insurance policy, plan, or group policy issued for delivery, or renewed in this state on or after the
6 passage of this act that provides coverage for prescription drugs shall not require, as a condition
7 of coverage:

8 (1) Use of an opioid drug not indicated by the United States Food and Drug
9 Administration (FDA) for the condition being treated prior to use of a non-opioid drug that is
10 approved by the FDA for the condition being treated; or

11 (2) Use of a non-abuse-deterrent formulation prior to use of an abuse-deterrent
12 formulation for the treatment of pain.

13 (b) For the purpose of this section:

14 (1) "Abuse-deterrent formulation" means a drug used to treat pain that is considered to
15 have abuse-deterrent properties if the FDA determines there is sufficient evidence to support
16 abuse-deterrent claims based on published FDA guidance.

17 (2) "Non-abuse-deterrent formulation" means a drug used to treat pain that is not
18 considered an abuse-deterrent formulation.

19 (c) Health insurance contracts, plans or policies to which this section applies may require

1 an insured to use, prior to using a brand name prescription drug prescribed by a licensed
2 prescriber a therapeutically equivalent generic drug, unless, pursuant to §§ 5-19.1-19, 5-37-18.1
3 and 21-31-15(b), the prescriber indicates "brand name necessary" on the prescription form, or if
4 the prescriber gives oral direction to that effect to the dispensing pharmacist.

5 SECTION 2. Chapter 27-19 of the General Laws entitled "Nonprofit Hospital Service
6 Corporations" is hereby amended by adding thereto the following section:

7 **27-19-73. Access to Abuse-Deterrent Pain Medications.--** (a) Every individual or
8 group health insurance contract or every individual or group hospital or medical expense
9 insurance policy, plan, or group policy issued for delivery, or renewed in this state on or after the
10 passage of this act that provides coverage for prescription drugs shall not require, as a condition
11 of coverage:

12 (1) Use of an opioid drug not indicated by the United States Food and Drug
13 Administration (FDA) for the condition being treated prior to use of a non-opioid drug that is
14 approved by the FDA for the condition being treated; or

15 (2) Use of a non-abuse-deterrent formulation prior to use of an abuse-deterrent
16 formulation for the treatment of pain.

17 (b) For the purpose of this section:

18 (1) "Abuse-deterrent formulation" means a drug used to treat pain that is considered to
19 have abuse-deterrent properties if the FDA determines there is sufficient evidence to support
20 abuse-deterrent claims based on published FDA guidance.

21 (2) "Non-abuse-deterrent formulation" means a drug used to treat pain that is not
22 considered an abuse-deterrent formulation.

23 (c) Health insurance contracts, plans or policies to which this section applies may require
24 an insured to use, prior to using a brand name prescription drug prescribed by a licensed
25 prescriber, a therapeutically equivalent generic drug, unless pursuant to §§ 5-19.1-19, 5-37-18.1
26 and 21-31-15(b), the prescriber indicates "brand name necessary" on the prescription form, or if
27 the prescriber gives oral direction to that effect to the dispensing pharmacist.

28 SECTION 3. Chapter 27-20 of the General Laws entitled "Nonprofit Medical Service
29 Corporations" is hereby amended by adding thereto the following section:

30 **27-20-69. Access to Abuse-Deterrent Pain Medications. --** (a) Every individual or
31 group health insurance contract, or every individual or group hospital or medical expense
32 insurance policy, plan, or group policy issued for delivery, or renewed in this state on or after the
33 passage of this act that provides coverage for prescription drugs shall not require, as a condition
34 of coverage:

1 (1) Use of an opioid drug not indicated by the United States Food and Drug
2 Administration (FDA) for the condition being treated prior to use of a non-opioid drug that is
3 approved by the FDA for the condition being treated; or

4 (2) Use of a non-abuse-deterrent formulation prior to use of an abuse-deterrent
5 formulation for the treatment of pain.

6 (b) For the purpose of this section:

7 (1) "Abuse-deterrent formulation" means a drug used to treat pain that is considered to
8 have abuse-deterrent properties if the FDA determines there is sufficient evidence to support
9 abuse-deterrent claims based on published FDA guidance.

10 (2) "Non-abuse-deterrent formulation" means a drug used to treat pain that is not
11 considered an abuse-deterrent formulation.

12 (c) Health insurance contracts, plans or policies to which this section applies may require
13 an insured to use, prior to using a brand name prescription drug prescribed by a licensed
14 prescriber, a therapeutically equivalent generic drug, unless, pursuant to §§ 5-19.1-19, 5-3 7-18.1
15 and 21-31-15(b), the prescriber indicates "brand name necessary" on the prescription form, or if
16 the prescriber gives oral direction to that effect to the dispensing pharmacist.

17 SECTION 4. Chapter 27-41 of the General Laws entitled "Health Maintenance
18 Organizations" is hereby amended by adding thereto the following section:

19 **27-41-86. Access to Abuse-Deterrent Pain Medications.--** (a) Every individual or
20 group health insurance contract, or every individual or group hospital or medical expense
21 insurance policy, plan, or group policy issued for delivery, or renewed in this state on or after the
22 passage of this act that provides coverage for prescription drugs shall not require, as a condition
23 of coverage:

24 (1) Use of an opioid drug not indicated by the United States Food and Drug
25 Administration (FDA) for the condition being treated prior to use of a non-opioid drug that is
26 approved by the FDA for the condition being treated; or

27 (2) Use of a non-abuse-deterrent formulation prior to use of an abuse-deterrent
28 formulation for the treatment of pain.

29 (b) For the purpose of this section:

30 (1) "Abuse-deterrent formulation" means a drug used to treat pain that is considered to
31 have abuse-deterrent properties if the FDA determines there is sufficient evidence to support
32 abuse-deterrent claims based on published FDA guidance.

33 (2) "Non-abuse-deterrent formulation" means a drug used to treat pain that is not
34 considered an abuse-deterrent formulation.

1 (c) Health insurance contracts, plans or policies to which this section applies may require
2 an insured to use, prior to using a brand name prescription drug prescribed by a licensed
3 prescriber, a therapeutically equivalent generic drug, unless, pursuant to §§ 5-19.1-19, 5-37-18.1
4 and 21-31-15(b), the prescriber indicates "brand name necessary" on the prescription form, or if
5 the prescriber gives oral direction to that effect to the dispensing pharmacist.

6 SECTION 5. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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RELATING TO INSURANCE - ACCESS TO ABUSE-DETERRENT PAIN MEDICATIONS

1 This act would prevent health insurance policies, plans or contracts that provide coverage
2 for prescription drugs from requiring a beneficiary to use an opioid drug not indicated by the
3 FDA for the condition being treated prior to the use of a non-opioid drug that is approved by the
4 FDA for the condition being treated, or to use a non-abuse-deterrent formulation prior to using an
5 abuse-deterrent formulation.

6 This act would take effect upon passage.

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