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S T A T E O F R H O D E I S L A N D

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2015

A N A C T

RELATING TO INSURANCE - ACCESS TO ABUSE-DETERRENT PAIN MEDICATIONS

Introduced By: Senators Miller, Crowley, Sosnowski, Goldin, and Jabour

Date Introduced: February 05, 2015

Referred To: Senate Health & Human Services

It is enacted by the General Assembly as follows:

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

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

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

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

(b) For the purpose of this section:

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

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

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

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

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

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

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

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

(b) For the purpose of this section:

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

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

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

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

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

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

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

(b) For the purpose of this section:

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

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

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

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

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

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

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

(b) For the purpose of this section:

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

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

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

SECTION 5. This act shall take effect upon passage.

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EXPLANATION

BY THE LEGISLATIVE COUNCIL

OF

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

This act would take effect upon passage.

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