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THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 288 Session of 2017

INTRODUCED BY HEFFLEY, DONATUCCI, STAATS, TAYLOR, V. BROWN, GAINEY, BOBACK, DRISCOLL, ORTITAY, DiGIROLAMO, KINSEY, MILLARD, RADER, D. COSTA, LONGIETTI, READSHAW, MARSICO AND GROVE, FEBRUARY 2, 2017

REFERRED TO COMMITTEE ON INSURANCE, FEBRUARY 2, 2017

AN ACT

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

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

Section 1. Short title.

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

Section 2. Findings and declarations.

The General Assembly finds and declares as follows:

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

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

(3) The number of unintentional overdose deaths from

prescription opioid pain relievers has more than quadrupled in the United States since 1999.

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

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

Section 3. Definitions.

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

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

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

(1) The act of May 17, 1921 (P.L.682, No.284), known as The Insurance Company Law of 1921, including section 630 and Article XXIV of that act.

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

(3) 40 Pa.C.S. Ch. 61 (relating to hospital plan corporations) or 63 (relating to professional health services plan corporations).

"Health insurance plan." A policy, contract, certificate or agreement offered or issued by a health insurance carrier to

provide for the costs of health care services. The term does not include the following types of policies:

(1) Accident only.

(2) Limited benefit.

(3) Credit.

(4) Vision.

(5) Dental.

(6) Specified disease.

(7) Civilian Health and Medical Program of the Uniformed Services (CHAMPUS) supplement.

(8) Long-term care or disability income.

(9) Workers' compensation.

(10) Automobile medical payment.

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

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

If a health insurance carrier or health insurance plan provides coverage on its formulary, drug list or other lists of similar construct for at least one opioid analgesic drug product, then a health insurance carrier or health insurance plan shall provide coverage for abuse-deterrent opioid analgesic drug products.

Section 5. Utilization management.

(a) Prohibition.--A health insurance carrier or health insurance plan shall not require an insured or enrollee to first

use an opioid analgesic drug product that is not an abuse-deterrent opioid analgesic drug product before providing coverage for an abuse-deterrent opioid analgesic drug product.

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

Section 6. Applicability.

This act shall apply as follows:

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

(2) For health insurance plans for which rates or forms are not required to be filed with the Insurance Department or the Federal Government, this act shall apply to a policy issued or renewed on or after 180 days after the effective date of this section.

Section 7. Effective date.

This act shall take effect in 60 days.