S T A T E O F N E W Y O R K

10478

I N A S S E M B L Y

May 27, 2016

Introduced by M. of A. CUSICK -- read once and referred to the Committee on Insurance

AN ACT to amend the insurance law, in relation to the use of abuse-deterrent technology for opioids as a mechanism for reducing abuse and diversion of opioid drugs

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. The insurance law is amended by adding a new section 3216-a to read as follows:

S 3216-A. ACCESS TO ABUSE-DETERRENT OPIOID MEDICATIONS. (A) AN INSURANCE CARRIER OR HEALTH PLAN SHALL PROVIDE COVERAGE ON ITS FORMULARY, DRUG LIST OR OTHER LISTS OF SIMILAR CONSTRUCT FOR AT LEAST ONE ABUSE-DETERRENT OPIOID ANALGESIC DRUG PRODUCT PER OPIOID ANALGESIC ACTIVE INGREDIENT.

(1) COST-SHARING FOR BRAND NAME ABUSE-DETERRENT OPIOID ANALGESIC DRUG PRODUCTS COVERED PURSUANT TO THIS SECTION SHALL NOT EXCEED THE LOWEST COST-SHARING LEVEL APPLIED TO BRAND NAME NON-ABUSE DETERRENT OPIOID DRUGS COVERED UNDER THE APPLICABLE HEALTH PLAN OR POLICY.

(2) COST-SHARING FOR GENERIC ABUSE-DETERRENT OPIOID ANALGESIC DRUG PRODUCTS COVERED PURSUANT TO THIS SECTION SHALL NOT EXCEED THE LOWEST COST-SHARING LEVEL APPLIED TO GENERIC NON-ABUSE DETERRENT OPIOID DRUGS COVERED UNDER THE APPLICABLE HEALTH PLAN OR POLICY.

(3) AN INCREASE IN PATIENT COST-SHARING OR DISINCENTIVES FOR PRESCRIBERS OR DISPENSERS SHALL NOT BE ALLOWED TO ACHIEVE COMPLIANCE WITH THIS SECTION.

(B) ANY PRIOR-AUTHORIZATION REQUIREMENTS OR OTHER UTILIZATION REVIEW MEASURES FOR OPIOID ANALGESICS, AND ANY SERVICE DENIALS MADE PURSUANT THERETO, SHALL NOT REQUIRE USE OF OPIOID ANALGESIC DRUG PRODUCTS WITHOUT ABUSE-DETERRENT PROPERTIES IN ORDER TO ACCESS ABUSE-DETERRENT OPIOID ANALGESIC DRUG PRODUCTS.

(C) DEFINITIONS. AS USED IN THIS SECTION:

(1) "OPIOID ANALGESIC DRUG PRODUCT" MEANS A DRUG IN THE OPIOID ANALGESIC DRUG CLASS PRESCRIBED TO TREAT MODERATE TO SEVERE PAIN OR OTHER CONDITIONS, WHETHER IN IMMEDIATE RELEASE OR EXTENDED LONG ACTING RELEASE

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [ ] is old law to be omitted.

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FORM AND WHETHER OR NOT COMBINED WITH OTHER DRUG SUBSTANCES TO FORM A SINGLE DRUG PRODUCT OR OTHER DOSAGE FORM.

(2) "ABUSE DETERRENT OPIOID ANALGESIC DRUG PRODUCT" MEANS A BRAND OR GENERIC OPIOID ANALGESIC DRUG PRODUCT APPROVED BY THE FEDERAL FOOD AND DRUG ADMINISTRATION WITH ABUSE-DETERRENCE LABELING CLAIMS INDICATING ITS ABUSE-DETERRENT PROPERTIES ARE EXPECTED TO DETER OR REDUCE ITS ABUSE.

(3) "COST-SHARING" MEANS ANY COVERAGE LIMIT, COPAYMENT, COINSURANCE, DEDUCTIBLE OR OTHER OUT-OF-POCKET PATIENT EXPENSE REQUIREMENTS.

S 2. This act shall take effect on the one hundred twentieth day after it shall have become a law, and shall apply to all policies and contracts issued, renewed, modified, altered or amended on or after such date.