STATE OF NEW YORK

7009

IN SENATE

(Prefiled)

January 3, 2018

Introduced by Sen. LANZA -- read twice and ordered printed, and when printed to be committed 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:

§ 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

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

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conditions, whether in immediate release or extended long acting release 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.

§ 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.