

STATE OF NEW YORK

4667

2021-2022 Regular Sessions

IN ASSEMBLY

February 4, 2021

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

AN ACT to amend the public health law and 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:

1 Section 1. Section 273 of the public health law is amended by adding a
2 new subdivision 11 to read as follows:

3 11. Any prior authorization requirements for opioid analgesic and any
4 service denials made pursuant thereto shall not require use of opioid
5 analgesic drug products without abuse-deterrent properties before
6 authorizing the use of abuse-deterrent opioid analgesic drug products.

7 § 2. The insurance law is amended by adding a new section 3216-a to
8 read as follows:

9 § 3216-a. Access to abuse-deterrent opioid medications. (a) An insur-
10 ance carrier or health plan shall provide coverage on its formulary,
11 drug list or other lists of similar construct for at least one abuse-
12 deterrent opioid analgesics drug product per opioid analgesics active
13 ingredient.

14 (1) Cost-sharing for brand name abuse-deterrent opioid analgesic drug
15 products covered pursuant to this section shall not exceed the lowest
16 cost-sharing level applied to brand name non-abuse deterrent opioid
17 drugs covered under the applicable health plan or policy.

18 (2) Cost-sharing for generic abuse-deterrent opioid analgesic drug
19 products covered pursuant to this section shall not exceed the lowest
20 cost-sharing level applied to generic non-abuse deterrent opioid drugs
21 covered under the applicable health plan or policy.

22 (3) An increase in patient cost-sharing or disincentives for prescri-
23 bers or dispensers shall not be allowed to achieve compliance with this
24 section.

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

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1 (b) Any prior-authorization requirements or other utilization review
2 measures for opioid analgesics, and any service denials made pursuant
3 thereto, shall not require use of opioid analgesic drug products without
4 abuse-deterrent properties in order to access abuse-deterrent opioid
5 analgesic drug products.

6 (c) Definitions. As used in this section:

7 (1) "Opioid analgesic drug product" means a drug in the opioid anal-
8 gesic drug class prescribed to treat moderate to severe pain or other
9 conditions, whether in immediate release or extended long acting release
10 form and whether or not combined with other drug substances to form a
11 single drug product or other dosage form.

12 (2) "Abuse deterrent opioid analgesic drug product" means a brand or
13 generic opioid analgesic drug product approved by the federal food and
14 drug administration with abuse-deterrence labeling claims indicating its
15 abuse-deterrent properties are expected to deter or reduce its abuse.

16 (3) "Cost-sharing" means any coverage limit, copayment, coinsurance,
17 deductible or other out-of-pocket patient expense requirements.

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