STATE OF NEW YORK

4532

2021-2022 Regular Sessions

IN SENATE

February 5, 2021

Introduced by Sen. BROUK -- read twice and ordered printed, and when printed to be committed to the Committee on Health

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:

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

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

§ 2. 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 analgesics drug product per opioid analgesics 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.

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

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(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 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.

§ 3. 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.