

# STATE OF NEW YORK

4754

2023-2024 Regular Sessions

## IN SENATE

February 14, 2023

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:

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

3 § 3216-a. Access to abuse-deterrent opioid medications. (a) An insur-  
4 ance carrier or health plan shall provide coverage on its formulary,  
5 drug list or other lists of similar construct for at least one abuse-  
6 deterrent opioid analgesic drug product per opioid analgesic active  
7 ingredient.

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

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

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

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

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

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

LBD08756-01-3

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

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

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

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