

# HOUSE BILL 887

C3, J1

5lr1728  
CF SB 606

---

By: **Delegates K. Young, Hill, Jalisi, Kelly, Morhaim, Oaks, Pena–Melnyk, and Reznik**

Introduced and read first time: February 13, 2015

Assigned to: Health and Government Operations

---

## A BILL ENTITLED

1 AN ACT concerning

2 **Health Insurance – Abuse–Deterrent Opioid Analgesic Drug Products –**  
3 **Coverage**

4 FOR the purpose of requiring certain insurers, nonprofit health service plans, and health  
5 maintenance organizations to provide coverage for abuse–deterrent opioid analgesic  
6 drug products; prohibiting the insurers, nonprofit health service plans, and health  
7 maintenance organizations from imposing certain limits or cost–sharing  
8 requirements on coverage for abuse–deterrent opioid analgesic drug products that  
9 are less favorable to an insured or an enrollee than the limits or cost–sharing  
10 requirements that apply to coverage for any other opioid analgesic drug product;  
11 prohibiting the insurers, nonprofit health service plans, and health maintenance  
12 organizations from requiring an insured or an enrollee to first use a certain drug  
13 product before providing coverage for an abuse–deterrent opioid analgesic drug  
14 product; prohibiting the insurers, nonprofit health service plans, and health  
15 maintenance organizations from increasing certain cost–sharing requirements or  
16 other out–of–pocket expenses to achieve certain compliance; authorizing the  
17 insurers, nonprofit health service plans, and health maintenance organizations to  
18 undertake utilization review for an abuse–deterrent opioid analgesic drug product  
19 under certain circumstances; defining certain terms; providing for the application of  
20 this Act; and generally relating to health insurance coverage for abuse–deterrent  
21 opioid analgesic drug products.

22 BY adding to  
23 Article – Insurance  
24 Section 15–848  
25 Annotated Code of Maryland  
26 (2011 Replacement Volume and 2014 Supplement)

27 Preamble

---

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 WHEREAS, Prescription opioid analgesics are an important treatment option for  
2 individuals with severe pain, such as those who have experienced catastrophic or acute  
3 injuries, often allowing some to resume their daily activities; and

4 WHEREAS, Some individuals, however, have abused and misused opioid analgesics,  
5 creating urgent and growing public health concerns; and

6 WHEREAS, The U.S. Food and Drug Administration recognizes and considers the  
7 development of opioids that are formulated to deter abuse a high public health priority; and

8 WHEREAS, Maryland recognizes the need to eliminate barriers to abuse-deterrent  
9 formulations as an important step in reducing abuse of opiates while ensuring that these  
10 medicines remain available to those who need them for legitimate medical purposes; now,  
11 therefore,

12 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
13 That the Laws of Maryland read as follows:

14 **Article – Insurance**

15 **15-848.**

16 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
17 INDICATED.

18 (2) “ABUSE-DETERRENT OPIOID ANALGESIC DRUG PRODUCT”  
19 MEANS A BRAND NAME OR GENERIC OPIOID ANALGESIC DRUG PRODUCT APPROVED  
20 BY THE U.S. FOOD AND DRUG ADMINISTRATION WITH ABUSE-DETERRENT  
21 LABELING THAT INDICATES THE DRUG PRODUCT IS EXPECTED TO RESULT IN A  
22 MEANINGFUL REDUCTION IN ABUSE.

23 (3) “OPIOID ANALGESIC DRUG PRODUCT” MEANS A DRUG PRODUCT  
24 THAT CONTAINS AN OPIOID AGONIST AND IS INDICATED BY THE U.S. FOOD AND  
25 DRUG ADMINISTRATION FOR THE TREATMENT OF PAIN, REGARDLESS OF WHETHER  
26 THE DRUG PRODUCT:

27 (I) IS IN IMMEDIATE RELEASE OR EXTENDED RELEASE FORM;  
28 OR

29 (II) CONTAINS OTHER DRUG SUBSTANCES.

30 (B) (1) THIS SECTION APPLIES TO:

31 (I) INSURERS AND NONPROFIT HEALTH SERVICE PLANS THAT  
32 PROVIDE COVERAGE FOR PRESCRIPTION DRUGS UNDER INDIVIDUAL, GROUP, OR

1 BLANKET HEALTH INSURANCE POLICIES OR CONTRACTS THAT ARE ISSUED OR  
2 DELIVERED IN THE STATE; AND

3 (II) HEALTH MAINTENANCE ORGANIZATIONS THAT PROVIDE  
4 COVERAGE FOR PRESCRIPTION DRUGS UNDER INDIVIDUAL OR GROUP CONTRACTS  
5 THAT ARE ISSUED OR DELIVERED IN THE STATE.

6 (2) AN INSURER, A NONPROFIT HEALTH SERVICE PLAN, OR A HEALTH  
7 MAINTENANCE ORGANIZATION THAT PROVIDES COVERAGE FOR PRESCRIPTION  
8 DRUGS THROUGH A PHARMACY BENEFITS MANAGER IS SUBJECT TO THE  
9 REQUIREMENTS OF THIS SECTION.

10 (C) (1) AN ENTITY SUBJECT TO THIS SECTION SHALL PROVIDE  
11 COVERAGE FOR ABUSE-DETERRENT OPIOID ANALGESIC DRUG PRODUCTS.

12 (2) AN ENTITY SUBJECT TO THIS SECTION MAY NOT:

13 (I) IMPOSE DOLLAR LIMITS, COPAYMENTS, DEDUCTIBLES, OR  
14 COINSURANCE REQUIREMENTS ON COVERAGE FOR AN ABUSE-DETERRENT OPIOID  
15 ANALGESIC DRUG PRODUCT THAT ARE LESS FAVORABLE TO AN INSURED OR AN  
16 ENROLLEE THAN THE DOLLAR LIMITS, COPAYMENTS, DEDUCTIBLES, OR  
17 COINSURANCE REQUIREMENTS THAT APPLY TO COVERAGE FOR ANY OTHER OPIOID  
18 ANALGESIC DRUG PRODUCT; OR

19 (II) REQUIRE AN INSURED OR AN ENROLLEE TO FIRST USE AN  
20 OPIOID ANALGESIC DRUG PRODUCT WITHOUT ABUSE-DETERRENT LABELING  
21 BEFORE PROVIDING COVERAGE FOR AN ABUSE-DETERRENT OPIOID ANALGESIC  
22 DRUG PRODUCT.

23 (3) AN ENTITY SUBJECT TO THIS SECTION MAY NOT INCREASE  
24 COPAYMENTS, DEDUCTIBLES, OR COINSURANCE REQUIREMENTS OR OTHER  
25 OUT-OF-POCKET EXPENSES IMPOSED ON OPIOID ANALGESIC DRUG PRODUCTS TO  
26 ACHIEVE COMPLIANCE WITH THIS SECTION.

27 (D) NOTWITHSTANDING SUBSECTION (C)(2) OF THIS SECTION, AN ENTITY  
28 SUBJECT TO THIS SECTION MAY UNDERTAKE UTILIZATION REVIEW, INCLUDING  
29 PREAUTHORIZATION, FOR AN ABUSE-DETERRENT OPIOID ANALGESIC DRUG  
30 PRODUCT, IF THE SAME UTILIZATION REVIEW REQUIREMENTS ARE APPLIED TO  
31 NON-ABUSE-DETERRENT OPIOID ANALGESIC DRUG PRODUCTS.

32 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to all  
33 policies, contracts, and health benefit plans issued, delivered, or renewed in the State on or  
34 after October 1, 2015.

1           SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
2   October 1, 2015.