

SENATE BILL 606

C3, J1

5lr1725
CF HB 887

By: Senators Pugh, Astle, Benson, Conway, Currie, DeGrange, Eckardt, Feldman, Ferguson, Gladden, Guzzone, Jennings, Kagan, King, Klausmeier, Lee, Manno, Mathias, McFadden, Miller, Muse, Nathan-Pulliam, Peters, Ramirez, Young, and Zirkin ~~Zirkin~~, Hershey, Kelley, Middleton, and Reilly

Introduced and read first time: February 6, 2015

Assigned to: Finance

Committee Report: Favorable with amendments

Senate action: Adopted with floor amendments

Read second time: March 17, 2015

CHAPTER _____

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 this Act; providing for a delayed effective date; and generally relating to health
2 insurance coverage for abuse–deterrent opioid analgesic drug products.

3 BY adding to

4 Article – Insurance

5 Section 15–848

6 Annotated Code of Maryland

7 (2011 Replacement Volume and 2014 Supplement)

8 Preamble

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

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

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

16 WHEREAS, Maryland recognizes the need to eliminate barriers to abuse–deterrent
17 formulations as an important step in reducing abuse of opiates while ensuring that these
18 medicines remain available to those who need them for legitimate medical purposes; now,
19 therefore,

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

22 Article – Insurance

23 15–848.

24 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
25 INDICATED.

26 (2) “ABUSE–DETERRENT OPIOID ANALGESIC DRUG PRODUCT”
27 MEANS A BRAND NAME OR GENERIC OPIOID ANALGESIC DRUG PRODUCT APPROVED
28 BY THE U.S. FOOD AND DRUG ADMINISTRATION WITH ABUSE–DETERRENT
29 LABELING THAT INDICATES THE DRUG PRODUCT IS EXPECTED TO RESULT IN A
30 MEANINGFUL REDUCTION IN ABUSE.

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

1 (I) IS IN IMMEDIATE RELEASE OR EXTENDED RELEASE FORM;
2 OR

3 (II) CONTAINS OTHER DRUG SUBSTANCES.

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

5 (I) INSURERS AND NONPROFIT HEALTH SERVICE PLANS THAT
6 PROVIDE COVERAGE FOR PRESCRIPTION DRUGS UNDER INDIVIDUAL, GROUP, OR
7 BLANKET HEALTH INSURANCE POLICIES OR CONTRACTS THAT ARE ISSUED OR
8 DELIVERED IN THE STATE; AND

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

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

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

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

19 ~~(I) IMPOSE DOLLAR LIMITS, COPAYMENTS, DEDUCTIBLES, OR~~
20 ~~COINSURANCE REQUIREMENTS ON COVERAGE FOR AN ABUSE-DETERRENT OPIOID~~
21 ~~ANALGESIC DRUG PRODUCT THAT ARE LESS FAVORABLE TO AN INSURED OR AN~~
22 ~~ENROLLEE THAN THE DOLLAR LIMITS, COPAYMENTS, DEDUCTIBLES, OR~~
23 ~~COINSURANCE REQUIREMENTS THAT APPLY TO COVERAGE FOR ANY OTHER OPIOID~~
24 ~~ANALGESIC DRUG PRODUCT; OR;~~

25 (I) AT LEAST TWO BRAND NAME ABUSE-DETERRENT OPIOID
26 ANALGESIC DRUG PRODUCTS, EACH CONTAINING DIFFERENT ANALGESIC
27 INGREDIENTS, ON THE LOWEST COST TIER FOR BRAND NAME PRESCRIPTION DRUGS
28 ON THE ENTITY'S FORMULARY FOR PRESCRIPTION DRUG COVERAGE; AND

29 (II) IF AVAILABLE, AT LEAST TWO GENERIC ABUSE-DETERRENT
30 OPIOID ANALGESIC DRUG PRODUCTS, EACH CONTAINING DIFFERENT ANALGESIC
31 INGREDIENTS, ON THE LOWEST COST TIER FOR GENERIC DRUGS ON THE ENTITY'S
32 FORMULARY FOR PRESCRIPTION DRUG COVERAGE.

1 ~~(H)~~ **(2)** AN ENTITY SUBJECT TO THIS SECTION MAY NOT
 2 REQUIRE AN INSURED OR AN ENROLLEE TO FIRST USE AN OPIOID ANALGESIC DRUG
 3 PRODUCT WITHOUT ABUSE-DETERRENT LABELING BEFORE PROVIDING COVERAGE
 4 FOR AN ABUSE-DETERRENT OPIOID ANALGESIC DRUG PRODUCT COVERED ON THE
 5 ENTITY'S FORMULARY FOR PRESCRIPTION DRUG COVERAGE.

6 ~~(3)~~ ~~AN ENTITY SUBJECT TO THIS SECTION MAY NOT INCREASE~~
 7 ~~COPAYMENTS, DEDUCTIBLES, OR COINSURANCE REQUIREMENTS OR OTHER~~
 8 ~~OUT OF POCKET EXPENSES IMPOSED ON OPIOID ANALGESIC DRUG PRODUCTS TO~~
 9 ~~ACHIEVE COMPLIANCE WITH THIS SECTION.~~

10 **(D)** NOTWITHSTANDING SUBSECTION (C)(2) OF THIS SECTION, AN ENTITY
 11 SUBJECT TO THIS SECTION MAY UNDERTAKE UTILIZATION REVIEW, INCLUDING
 12 PREAUTHORIZATION, FOR AN ABUSE-DETERRENT OPIOID ANALGESIC DRUG
 13 PRODUCT COVERED BY THE ENTITY, IF THE SAME UTILIZATION REVIEW
 14 REQUIREMENTS ARE APPLIED TO NON-ABUSE-DETERRENT OPIOID ANALGESIC
 15 DRUG PRODUCTS COVERED BY THE ENTITY IN THE SAME FORMULARY TIER AS THE
 16 ABUSE-DETERRENT OPIOID ANALGESIC PRODUCT.

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to all
 18 policies, contracts, and health benefit plans issued, delivered, or renewed in the State on or
 19 after ~~October 1, 2015~~ January 1, 2016.

20 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
 21 ~~October 1, 2015~~ January 1, 2016.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.