



127th MAINE LEGISLATURE

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Legislative Document

No. 919

H.P. 638

House of Representatives, March 17, 2015

An Act To Provide Access to Opioid Analgesics with Abuse-deterrent Properties

Reference to the Committee on Insurance and Financial Services suggested and ordered printed.

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative HOBBS of Saco.
Cosponsored by Representative: GIDEON of Freeport, Senators: KATZ of Kennebec, VOLK of Cumberland.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 24-A MRSA §4320-J** is enacted to read:

3 **§4320-J. Coverage for abuse-deterrent opioid analgesic drug products**

4 **1. Definitions.** As used in this section, unless the context otherwise indicates, the
5 following terms have the following meanings.

6 A. "Abuse-deterrent opioid analgesic drug product" means a brand or generic opioid
7 analgesic drug product approved by the federal Food and Drug Administration with
8 abuse-deterrent labeling claims that indicate the drug product is expected to result in
9 a meaningful reduction in abuse.

10 B. "Cost sharing" means any coverage limit, copayment, coinsurance, deductible or
11 other out-of-pocket expense associated with a health plan.

12 C. "Opioid analgesic drug product" means a drug product in the opioid analgesic
13 drug class prescribed to treat moderate to severe pain or other conditions, whether in
14 immediate release or extended release, long-acting form and whether or not
15 combined with other drug substances to form a single drug product or dosage form.

16 **2. Required coverage.** A carrier offering a health plan in this State shall provide
17 coverage for abuse-deterrent opioid analgesic drug products as preferred drugs on any
18 formulary, preferred drug list or other list of drugs used by the carrier. Any cost sharing
19 imposed by a carrier for coverage of abuse-deterrent opioid analgesic drug products may
20 not exceed the lowest cost-sharing level applied to other prescription drugs. An increase
21 in enrollee cost sharing or other disincentives for prescribers or dispensers to achieve
22 compliance with this section may not be implemented.

23 **3. Utilization management.** The following requirements apply.

24 A. Any prior authorization requirements or other utilization review measures for
25 opioid analgesic drug products on the market and any denials of coverage made
26 pursuant to those measures may not require use of opioid analgesic drug products
27 first in order to obtain abuse-deterrent opioid analgesic drug products.

28 B. This section may not be construed to prevent a carrier from applying prior
29 authorization requirements to abuse-deterrent opioid analgesic drug products as long
30 as such requirements are applied to opioid analgesic drug products in the same
31 manner.

32 **Sec. 2. Application.** The requirements of this Act apply to all policies, contracts
33 and certificates executed, delivered, issued for delivery, continued or renewed in this
34 State on or after January 1, 2016. For purposes of this Act, all contracts are deemed to be
35 renewed no later than the next yearly anniversary of the contract date.

36 **SUMMARY**

37 This bill requires all health insurance carriers offering individual and group health
38 plans to provide coverage for abuse-deterrent opioid analgesic drug products as preferred

1 drugs on any formulary, preferred drug list or other list of drugs used by the carrier. The
2 bill applies to all policies and contracts issued or renewed on or after January 1, 2016.