

# IN SENATE

## 2025 REGULAR SESSION

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SENATE BILL NO. 128

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TUESDAY, FEBRUARY 11, 2025

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Senator G. Neal introduced the following bill which was ordered to be printed.

1 AN ACT relating to utilization controls for nonopioid analgesics in the Medicaid  
2 program.

3 *Be it enacted by the General Assembly of the Commonwealth of Kentucky:*

4 ➔SECTION 1. A NEW SECTION OF KRS CHAPTER 205 IS CREATED TO  
5 READ AS FOLLOWS:

6 *The Department for Medicaid Services, any managed care organization with whom the*  
7 *department contracts for the delivery of Medicaid services, and the state pharmacy*  
8 *benefit manager contracted by the department pursuant to KRS 205.5512 shall not:*

9 *(1) Deny coverage of a nonopioid prescription drug in favor of an opioid prescription*  
10 *drug when a licensed physician has prescribed a nonopioid medication for the*  
11 *treatment of chronic or acute pain; or*

12 *(2) Establish more restrictive or more extensive utilization controls, including but not*  
13 *limited to more restrictive or more extensive prior authorization or step therapy*  
14 *requirements, for clinically appropriate nonopioid drugs than the least restrictive*  
15 *or extensive utilization controls applicable to any clinically appropriate opioid or*  
16 *narcotic drug.*

**COMMONWEALTH OF KENTUCKY FISCAL NOTE STATEMENT  
LEGISLATIVE RESEARCH COMMISSION  
2025 REGULAR SESSION**

**MEASURE**

2025 BR NUMBER 1519

SENATE BILL NUMBER 128

**TITLE** AN ACT relating to utilization controls for nonopioid analgesics in the Medicaid program.

**SPONSOR** Senator Gerald Neal

**FISCAL SUMMARY**

STATE FISCAL IMPACT: ☐ YES ☒ NO ☐ UNCERTAIN

OTHER FISCAL STATEMENT(S) THAT MAY APPLY: ☐ ACTUARIAL ANALYSIS  
☐ LOCAL MANDATE ☐ CORRECTIONS IMPACT ☐ HEALTH BENEFIT MANDATE ☐ STATE  
EMPLOYEE HEALTH PLAN IMPACT

APPROPRIATION UNIT(S) IMPACTED:

FUND(S) IMPACTED: ☐ GENERAL ☐ ROAD ☐ FEDERAL ☐ RESTRICTED \_\_\_\_\_

FISCAL ESTIMATES	2024-2025	2025-2026	ANNUAL IMPACT AT FULL IMPLEMENTATION
REVENUES			
EXPENDITURES			
NET EFFECT			

( ) indicates a decrease/negative

**PURPOSE OF MEASURE:** The measure prohibits the denial of coverage or the establishment of more restrictive or extensive utilization controls for nonopioid analgesics as compared to opioid or narcotic analgesics by the Department for Medicaid Services (DMS), any Medicaid managed care organization contracted by the DMS, and the Medicaid state pharmacy benefit manager.

**FISCAL EXPLANATION:** The Cabinet for Health and Family Services estimates that Senate Bill 128 will not have a fiscal impact on the Department for Medicaid Services.

**DATA SOURCE(S):** Cabinet for Health and Family Services

**PREPARER:** Miriam Fordham **NOTE NUMBER:** 98 **REVIEW:** JMR **DATE:** 2/24/2025

