

AN ACT relating to health insurance coverage of abuse-deterrent opioid analgesic drug products.

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

➔SECTION 1. A NEW SECTION OF SUBTITLE 17A OF KRS CHAPTER 304 IS CREATED TO READ AS FOLLOWS:

(1) *As used in this section, unless the context requires otherwise:*

(a) *"Abuse-deterrent opioid analgesic drug product" means a brand or generic opioid analgesic drug product, approved by the United States Food and Drug Administration in accordance with 21 U.S.C. sec. 355 et seq., with abuse deterrence labeling claims that indicate the drug product is expected to result in a meaningful reduction in abuse;*

(b) *"Cost sharing" means any coverage limit, copayment, coinsurance, deductible, or other out-of-pocket expense requirements; and*

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

(2) (a) *An insurer or health benefit plan shall provide coverage for abuse-deterrent opioid analgesic drug products as preferred drugs on its formulary, preferred drug list, or similar lists of coverage for prescriptions.*

(b) *Cost sharing for abuse-deterrent opioid analgesic drug products shall not exceed the lowest cost-sharing level applied to prescription drugs in the same health benefit plan.*

(c) *An increase in patient cost-sharing or other disincentives for prescribers or dispensers to prescribe or dispense abuse-deterrent opioid analgesic drug products shall not be allowed to achieve compliance with this subsection.*

- (3) (a) Any prior authorization requirements or other utilization review measures for opioid analgesic drug products on the market, and any service denials made pursuant to these requirements, shall not require first use of non-abuse-deterrent opioid analgesic drug products in order to access abuse-deterrent opioid analgesic drug products with abuse-deterrent properties.
- (b) This subsection shall not be construed to prevent an insurer or health benefit plan from requiring prior authorization for abuse-deterrent opioid analgesic drug products only if the requirement is applied to non-abuse-deterrent versions of the opioid analgesic drug product for which abuse deterrence is intended.