

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2015

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HOUSE BILL 744

Short Title: Abuse-Deterrent Opioid Analgesics. (Public)

Sponsors: Representatives Malone and Horn (Primary Sponsors).

For a complete list of Sponsors, refer to the North Carolina General Assembly Web Site.

Referred to: Health, if favorable, Insurance.

April 15, 2015

1 A BILL TO BE ENTITLED
2 AN ACT CONCERNING ABUSE-DETERRENT OPIOID ANALGESICS.
3 The General Assembly of North Carolina enacts:

4 **SECTION 1.** Article 3 of Chapter 58 is amended by adding a new section to read:
5 **"§ 58-50-305. Coverage for abuse-deterrent opioid analgesics.**

6 (a) As used in this section, the following definitions apply:

7 (1) "Abuse-deterrent opioid analgesic" means a brand or generic opioid
8 analgesic drug product approved by the U.S. Food and Drug Administration
9 (FDA) with abuse-deterrence labeling claims that indicate the drug product
10 is expected to result in a meaningful reduction in abuse.

11 (2) "Cost-sharing" means any coverage limit, co-payment, coinsurance,
12 deductible, or other out-of-pocket expense requirements.

13 (3) "Health benefit plan" has the same meaning as G.S. 58-3-167(a)(1).

14 (4) "Insurer" has the same meaning as G.S. 58-3-167(a)(2).

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

20 (b) Every health benefit plan that provides coverage for prescription drugs shall provide
21 coverage for abuse-deterrent opioid analgesic drugs on a basis that is no less favorable than the
22 coverage provided for non-abuse-deterrent opioid analgesics. Cost-sharing for abuse-deterrent
23 opioid analgesics shall not exceed the lowest cost-sharing level applied to prescription drugs
24 within a health benefit plan. No insurer shall reclassify opioid analgesics, limit coverage for
25 opioid analgesics, or increase cost-sharing under a health benefit plan to achieve compliance
26 with this subsection.

27 (c) No health benefit plan shall require an insured to use, prior to using an
28 abuse-deterrent opioid analgesic, any non-abuse-deterrent opioid analgesic. However, a health
29 benefit plan may require an insured to receive prior authorization for an abuse-deterrent opioid
30 analgesic, provided that similar prior authorization requirements apply to non-abuse-deterrent
31 versions of that opioid analgesic."

32 **SECTION 2.** This act becomes effective October 1, 2015, and applies to insurance
33 contracts issued, renewed, or amended on or after that date.

