

SENATE BILL No. 102

By Committee on Financial Institutions and Insurance

1-28

1 AN ACT concerning access to opioid analgesics with abuse-deterrent
2 properties.

3
4 WHEREAS, The legislature finds that the abuse of opioids is a
5 serious problem that affects the health, social and economic welfare of the
6 state; and

7 WHEREAS, The legislature finds that an estimated 2.1 million
8 people in the United States suffered from substance use disorders related
9 to prescription opioid pain relievers in 2012; and

10 WHEREAS, The legislature finds that the number of
11 unintentional overdose deaths from prescription pain relievers has more
12 than quadrupled since 1999; and

13 WHEREAS, The legislature is convinced that it is imperative for
14 people suffering from pain to get the relief they need while minimizing the
15 potential for negative consequences.

16 Now, therefore,

17 *Be it enacted by the Legislature of the State of Kansas:*

18 Section 1. (a) As used in this section:

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

24 (2) "Abuse-deterrent opioid analgesic drug product" means a brand or
25 generic opioid analgesic drug product approved by the U.S. food and drug
26 administration with abuse-deterrence labeling claims that indicate the drug
27 product is expected to result in a meaningful reduction in abuse.

28 (3) "Cost sharing" means any coverage limit, copayment,
29 coinsurance, deductible or other out-of-pocket expense requirements.

30 (b) An insurance carrier or health plan shall provide coverage for
31 abuse-deterrent opioid analgesic drugs as preferred drugs on their
32 formulary, preferred drug list or other lists of similar construct. Cost
33 sharing for abuse-deterrent opioid analgesic drug products shall not exceed
34 the lowest cost-sharing level applied to prescription drugs. An increase in
35 patient cost sharing or other disincentives for prescribers or dispensers
36 shall not be allowed to achieve compliance with this section.

1 (c) Any prior authorization requirements or other utilization review
2 measures for opioid analgesic drug products, and any service denials made
3 pursuant thereto, shall not require first use of non-abuse-deterrent opioid
4 analgesic drug products in order to access opioid analgesic drug products
5 with abuse-deterrent properties. This subsection shall not be construed to
6 prevent an insurer or health plan from applying prior authorization
7 requirements to abuse-deterrent opioid analgesic drug products, provided
8 that such requirements are applied to non-abuse-deterrent versions of that
9 opioid.

10 Sec. 2. This act shall take effect and be in force from and after its
11 publication in the statute book.