

2018 Regular Session

SENATE BILL NO. 145

BY SENATOR GARY SMITH

HEALTH/ACC INSURANCE. Prohibits a health insurance issuer from denying a non-opioid prescription in favor of an opioid prescription. (8/1/18)

1 AN ACT

2 To enact R.S. 22:1060.7, relative to prescriptions for chronic pain; to prohibit the denial of

3 coverage for a non-opioid prescription in favor of an opioid prescription; and to

4 provide for related matters.

5 Be it enacted by the Legislature of Louisiana:

6 Section 1. R.S. 22:1060.7 is hereby enacted to read as follows:

7 **§1060.7. Prescription medication for chronic pain**

8 **Notwithstanding any provision of law to the contrary, when a licensed**

9 **physician prescribes a non-opioid medication for the treatment of chronic pain,**

10 **it shall be unlawful for a health insurance issuer to deny coverage of the**

11 **non-opioid prescription drug in favor of an opioid prescription drug.**

The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Cheryl Cooper.

DIGEST

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Present law defines "health insurance issuer" as an entity that offers a health benefit plan through a policy, contract, or certificate of insurance subject to state law that regulates the business of insurance.

Present law defines "prescription drug" as:

- (1) A substance for which federal or state law requires a prescription before the substance may be legally dispensed to the public; or
- (2) A drug or device that under federal law is required, before being dispensed or delivered, to be labeled with the statement: "Caution: Federal law prohibits dispensing without prescription" or "Rx only" or another legend that complies with federal law; or
- (3) A drug or device that is required by federal or state statute or regulation to be dispensed on prescriptions or that is restricted to use by a physician or other authorized prescriber.

Proposed law prohibits a health insurance issuer from denying coverage of a non-opioid prescription drug in favor of an opioid prescription drug.

Effective August 1, 2018.

(Adds R.S. 22:1060.7)