



State of Tennessee

PUBLIC CHAPTER NO. 762

HOUSE BILL NO. 2903

By Representatives Kumar, Davis, Terry

Substituted for: Senate Bill No. 2011

By Senators Reeves, Bowling, Jackson

AN ACT to amend Tennessee Code Annotated, Title 53; Title 63; Title 68 and Title 71, relative to the use of drugs for the treatment of pain.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 71-5-199, is amended by deleting the section and substituting:

(a) Except as otherwise provided in this section, the division of TennCare may, in its sole discretion, adopt or amend a state preferred drug list (PDL). The adoption or amendment of a PDL, and the recommendations of the TennCare pharmacy advisory committee to the division are not agency actions and do not require rulemaking.

(b)

(1) In establishing and maintaining the PDL, the division shall ensure that a non-opioid drug approved by the United States food and drug administration for the treatment or management of pain is not disadvantaged or discouraged with respect to coverage relative to any opioid or narcotic drug for the treatment or management of pain on the PDL.

(2) Subdivision (b)(1) does not prohibit an opioid medication from being preferred over other opioid medications, or a non-opioid medication from being preferred over other non-opioid medications.

(c) This section applies to a non-opioid drug immediately upon its approval by the United States food and drug administration for the treatment or management of pain, regardless of whether the drug has been reviewed by the division for inclusion on the PDL. This section also applies to drugs being provided under a contract between the division and any managed care organization.

SECTION 2. Tennessee Code Annotated, Title 71, Chapter 5, Part 1, is amended by adding the following as a new section:

(a) As used in this section:

(1) "Division" means the division of TennCare; and

(2) "Non-opioid treatment" means a drug or biological product that is indicated to produce analgesia without acting on the body's opioid receptors.

(b) The division shall ensure that reimbursement is provided to a healthcare provider who provides a non-opioid treatment to a recipient under the medical assistance program.

(c) The division shall ensure that, to the extent permitted by law, a hospital that provides either inpatient or outpatient services to a recipient is reimbursed under the medical assistance program for any medically necessary non-opioid treatment provided as a part of those services.

SECTION 3. Tennessee Code Annotated, Title 71, Chapter 5, Part 1, is amended by adding the following as a new section:

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Notwithstanding another law, when a healthcare prescriber prescribes a non-opioid medication for the treatment of acute or chronic pain, a managed care organization or other health insurance issuer shall not deny coverage of the non-opioid prescription drug in favor of an opioid prescription drug. As used in this section, "healthcare prescriber" means a prescriber as defined in § 53-10-203.

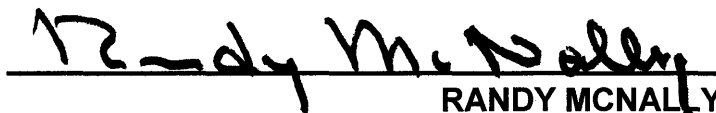
SECTION 4. This act takes effect July 1, 2024, the public welfare requiring it.

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PASSED: April 1, 2024



CAMERON SEXTON, SPEAKER
HOUSE OF REPRESENTATIVES



RANDY MCNALLY
SPEAKER OF THE SENATE

APPROVED this 22nd day of April 2024



BILL LEE, GOVERNOR