H-3516.1

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**HOUSE BILL 2464**

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**State of Washington 64th Legislature 2016 Regular Session**

**By** Representatives Peterson, Walkinshaw, Jinkins, Fitzgibbon, Stanford, Robinson, Kagi, Frame, Kilduff, Pollet, and Goodman

AN ACT Relating to insurance coverage for abuse-deterrent opioids; adding a new section to chapter 48.43 RCW; and creating a new section.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. **Sec.**  (1) The legislature finds that:

(a) The abuse of opioids is a serious problem that affects the health, social, and economic welfare of the state; and

(b) An estimated two million one hundred thousand people in the United States suffered from substance abuse disorders related to prescription opioid pain relievers in 2012.

(2) The legislature is therefore convinced that it is of great importance for people suffering from pain to get the relief they need while minimizing the potential for negative consequences.

NEW SECTION. **Sec.**  A new section is added to chapter 48.43 RCW to read as follows:

(1) A health plan issued or renewed on or after January 1, 2017, that includes coverage for prescription drugs shall provide coverage for at least one abuse-deterrent opioid analgesic drug product per opioid analgesic active ingredient on its formulary, drug list, or other similar list.

(2) Cost sharing for brand name abuse-deterrent opioid analgesic drug products covered under this section may not exceed the lowest cost-sharing level applied to brand name prescription drugs covered under the plan.

(3) Cost sharing for generic abuse-deterrent opioid analgesic drug products covered under this section may not exceed the lowest cost-sharing level applied to generic prescription drugs covered under the plan.

(4) An issuer may not increase cost sharing or impose other disincentives for prescribers or dispensers to achieve compliance with this section.

(5) An issuer or a health plan may not require an enrollee to first use a nonabuse-deterrent opioid analgesic drug product before providing coverage for an abuse-deterrent opioid analgesic drug product.

(6) This section does not prevent an issuer or health plan from applying utilization review requirements, including prior authorization, to abuse-deterrent opioid analgesic drug products if the requirements are applied to all opioid analgesic drug products with the same type of drug release, immediate or extended.

(7) For purposes of this section:

(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 with abuse-deterrence labeling claims indicating its abuse-deterrent properties are expected to deter or reduce its abuse.

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

(c) "Opioid analgesic drug product" means a drug product that contains an opioid agonist and that is indicated by the United States food and drug administration for the treatment of pain, whether in an immediate release or extended release formulation and whether or not the drug product contains other drug substances.

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