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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

Read first time 01/13/16. Referred to Committee on Health Care & Wellness.

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

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

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

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

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

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

14 NEW SECTION. **Sec. 2.** A new section is added to chapter 48.43  
15 RCW to read as follows:

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

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

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

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

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

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

21 (7) For purposes of this section:

22 (a) "Abuse-deterrent opioid analgesic drug product" means a brand  
23 or generic opioid analgesic drug product approved by the United  
24 States food and drug administration with abuse-deterrence labeling  
25 claims indicating its abuse-deterrent properties are expected to  
26 deter or reduce its abuse.

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

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

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