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**SENATE BILL 5695**

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**State of Washington                      64th Legislature                      2015 Regular Session**

**By** Senators Rivers, Liias, Mullet, and Darneille

Read first time 01/29/15. Referred to Committee on Health Care.

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

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

5            NEW SECTION.    **Sec. 1.**    The legislature finds that the abuse of  
6 opioids is a serious problem that affects the health, social, and  
7 economic welfare of the state. The legislature finds that an  
8 estimated two million one hundred thousand people in the United  
9 States suffered from substance use disorders related to prescription  
10 opioid pain relievers in 2012. The legislature finds that the number  
11 of unintentional overdose deaths from prescription pain relievers has  
12 more than quadrupled since 1999. The legislature is convinced that it  
13 is imperative for people suffering from pain to get the relief they  
14 need while minimizing the potential for negative consequences.

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

17            (1) All health plans issued or renewed on or after January 1,  
18 2016, that include coverage for prescription drugs must provide  
19 coverage for abuse-deterrent opioid analgesic drugs as preferred

1 drugs on their formulary, preferred drug list, or other lists of  
2 similar construct.

3 (2) Cost sharing for abuse-deterrent opioid analgesic drug  
4 products shall not exceed the lowest cost-sharing level applied to  
5 prescription drugs.

6 (3) An increase in patient cost sharing or other disincentives  
7 for prescribers or dispensers shall not be allowed to achieve  
8 compliance with this section.

9 (4) For purposes of this section, the following definitions  
10 apply:

11 (a) "Abuse-deterrent opioid analgesic drug product" means a brand  
12 or generic opioid analgesic drug product approved by the United  
13 States food and drug administration with abuse-deterrence labeling  
14 claims that indicate the drug product is expected to result in a  
15 meaningful reduction in abuse.

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

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

23 (5) Any prior authorization requirements or other utilization  
24 review measures for opioid analgesic drug products on the market, and  
25 any service denials made, shall not require first use of nonabuse-  
26 deterrent opioid analgesic drug products in order to access opioid  
27 analgesic drug products with abuse-deterrent properties.

28 (6) This section does not prevent an insurer or health plan from  
29 applying prior authorization requirements to abuse-deterrent opioid  
30 analgesic drug products, provided the requirements are applied to  
31 nonabuse-deterrent versions of that opioid.

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