FIRST REGULAR SESSION

HOUSE BILL NO. 1118

103RD GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE BROWN (16).

2277H.01I JOSEPH ENGLER, Chief Clerk

AN ACT

To repeal section 208.176, RSMo, and to enact in lieu thereof two new sections relating to abuse-deterrent opioid analgesic drug products.

Be it enacted by the General Assembly of the state of Missouri, as follows:

Section A. Section 208.176, RSMo, is repealed and two new sections enacted in lieu thereof, to be known as sections 208.176 and 376.1239, to read as follows:

208.176. **1.** By December 1, 1992, the MO HealthNet division shall, either directly or through contract with a private organization, provide for a prospective review of drug therapy. The review shall include screening for potential drug therapy problems, duplication, contraindications, interactions, incorrect drug dosage, drug allergy, duration of therapy and clinical abuse or misuse.

2. Any prior authorization requirements for opioid analgesic and any service denials made pursuant thereto shall not require use of opioid analgesic drug products without abuse-deterrent properties before authorizing the use of abuse-deterrent opioid analgesic drug products.

376.1239. 1. As used in this section, the following terms mean:

(1) "Abuse-deterrent opioid analgesic drug product", a brand or generic opioid analgesic drug product approved by the federal Food and Drug Administration with abuse-deterrence labeling claims indicating its abuse-deterrent properties are expected to deter or reduce its abuse;

(2) "Cost-sharing", any coverage limit, co-payment, coinsurance, deductible, or other out-of-pocket patient expense requirements;

EXPLANATION — Matter enclosed in bold-faced brackets **[**~~thus~~**]** in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

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

2. An insurance carrier or health plan shall provide coverage on its formulary, drug list, or other lists of similar construct for at least one abuse-deterrent opioid analgesic drug product per opioid analgesics active ingredient.

3. (1) Cost-sharing for brand name abuse-deterrent opioid analgesic drug products covered pursuant to this section shall not exceed the lowest cost-sharing level applied to brand name non-abuse deterrent opioid drugs covered under the applicable health plan or policy.

(2) Cost-sharing for generic abuse-deterrent opioid analgesic drug products covered pursuant to this section shall not exceed the lowest cost-sharing level applied to generic non-abuse deterrent opioid drugs covered under the applicable health plan or policy.

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

4. Any prior-authorization requirements or other utilization review measures for opioid analgesics, and any service denials made pursuant thereto, shall not require use of opioid analgesic drug products without abuse-deterrent properties in order to access abuse-deterrent opioid analgesic drug products.

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