

ASSEMBLY, No. 1833

STATE OF NEW JERSEY 217th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2016 SESSION

Sponsored by:

Assemblyman HERB CONAWAY, JR.

District 7 (Burlington)

Assemblyman DANIEL R. BENSON

District 14 (Mercer and Middlesex)

Assemblywoman NANCY J. PINKIN

District 18 (Middlesex)

Assemblyman BENJIE E. WIMBERLY

District 35 (Bergen and Passaic)

Co-Sponsored by:

Assemblywoman Jimenez

SYNOPSIS

Mandates health benefits coverage for opioid analgesics with abuse-deterrent properties.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel.



1 AN ACT concerning health benefits coverage for opioid analgesics
2 with abuse-deterrent properties and supplementing various parts
3 of the statutory law.
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:
7

8 1. a. A hospital service corporation contract that provides
9 hospital or medical expense benefits and is delivered, issued,
10 executed or renewed in this State, or approved for issuance or
11 renewal in this State by the Commissioner of Banking and
12 Insurance, on or after the effective date of this act, shall provide
13 coverage on its formulary, drug list, or other lists of similar
14 construct for at least one prescribed abuse-deterrent opioid
15 analgesic drug product per opioid analgesic active ingredient,
16 subject to the following requirements:

17 (1) Cost sharing for brand name abuse-deterrent opioid
18 analgesic drug products covered pursuant to this subsection shall
19 not exceed the lowest cost sharing level applied to brand name non-
20 abuse deterrent opioid drugs covered under the applicable contract;

21 (2) Cost sharing for generic abuse deterrent opioid analgesic
22 drug products covered pursuant to this subsection shall not exceed
23 the lowest cost sharing level applied to generic non-abuse deterrent
24 opioid drugs covered under the applicable contract;

25 (3) An increase in patient cost sharing or disincentives for a
26 prescriber or dispenser shall not be allowed to achieve compliance
27 with this section; and

28 (4) Any prior authorization requirements or other utilization
29 review measures for opioid analgesic drugs, and any service denials
30 made pursuant thereto, shall not require first use of non-abuse-
31 deterrent opioid analgesic drugs in order to access opioid analgesic
32 drugs with abuse-deterrent properties. Nothing in this subsection
33 shall be construed to prevent the application of prior authorization
34 requirements to abuse-deterrent opioid analgesic drugs, provided
35 that those requirements are also applied to non-abuse-deterrent
36 versions of that opioid.

37 b. The provisions of this section shall apply to all hospital
38 service corporation contracts in which the hospital service
39 corporation has reserved the right to change the premium.

40 c. As used in this section:

41 "Abuse-deterrent opioid analgesic drug" means a brand or
42 generic opioid analgesic drug approved by the United States Food
43 and Drug Administration with abuse-deterrence labeling claims
44 indicating its abuse-deterrent properties are expected to deter or
45 reduce its abuse.

46 "Cost sharing" means any coverage limit, copayment,
47 coinsurance, deductible, or other out-of-pocket expense
48 requirements.

1 “Opioid analgesic drug” means a drug in the opioid analgesic
2 drug class prescribed to treat moderate to severe pain or other
3 conditions, whether in immediate release or extended release form,
4 and whether or not combined with other drug substances to form a
5 single drug product or other dosage form.

6
7 2. a. A medical service corporation contract that provides
8 hospital or medical expense benefits and is delivered, issued,
9 executed or renewed in this State, or approved for issuance or
10 renewal in this State by the Commissioner of Banking and
11 Insurance, on or after the effective date of this act, shall provide
12 coverage on its formulary, drug list, or other lists of similar
13 construct for at least one prescribed abuse-deterrent opioid
14 analgesic drug product per opioid analgesic active ingredient,
15 subject to the following requirements:

16 (1) Cost sharing for brand name abuse-deterrent opioid
17 analgesic drug products covered pursuant to this subsection shall
18 not exceed the lowest cost sharing level applied to brand name non-
19 abuse deterrent opioid drugs covered under the applicable contract;

20 (2) Cost sharing for generic abuse deterrent opioid analgesic
21 drug products covered pursuant to this subsection shall not exceed
22 the lowest cost sharing level applied to generic non-abuse deterrent
23 opioid drugs covered under the applicable contract;

24 (3) An increase in patient cost sharing or disincentives for a
25 prescriber or dispenser shall not be allowed to achieve compliance
26 with this section; and

27 (4) Any prior authorization requirements or other utilization
28 review measures for opioid analgesic drugs, and any service denials
29 made pursuant thereto, shall not require first use of non-abuse-
30 deterrent opioid analgesic drugs in order to access opioid analgesic
31 drugs with abuse-deterrent properties. Nothing in this subsection
32 shall be construed to prevent the application of prior authorization
33 requirements to abuse-deterrent opioid analgesic drugs, provided
34 that those requirements are also applied to non-abuse-deterrent
35 versions of that opioid.

36 b. The provisions of this section shall apply to all medical
37 service corporation contracts in which the medical service
38 corporation has reserved the right to change the premium.

39 c. As used in this section:

40 “Abuse-deterrent opioid analgesic drug” means a brand or
41 generic opioid analgesic drug approved by the United States Food
42 and Drug Administration with abuse-deterrence labeling claims
43 indicating its abuse-deterrent properties are expected to deter or
44 reduce its abuse.

45 “Cost sharing” means any coverage limit, copayment,
46 coinsurance, deductible, or other out-of-pocket expense
47 requirements.

1 “Opioid analgesic drug” means a drug in the opioid analgesic
2 drug class prescribed to treat moderate to severe pain or other
3 conditions, whether in immediate release or extended release form,
4 and whether or not combined with other drug substances to form a
5 single drug product or other dosage form.

6
7 3. a. A health service corporation contract that provides
8 hospital or medical expense benefits and is delivered, issued,
9 executed or renewed in this State, or approved for issuance or
10 renewal in this State by the Commissioner of Banking and
11 Insurance, on or after the effective date of this act shall provide
12 coverage on its formulary, drug list, or other lists of similar
13 construct for at least one prescribed abuse-deterrent opioid
14 analgesic drug product per opioid analgesic active ingredient,
15 subject to the following requirements:

16 (1) Cost sharing for brand name abuse-deterrent opioid
17 analgesic drug products covered pursuant to this subsection shall
18 not exceed the lowest cost sharing level applied to brand name non-
19 abuse deterrent opioid drugs covered under the applicable contract;

20 (2) Cost sharing for generic abuse deterrent opioid analgesic
21 drug products covered pursuant to this subsection shall not exceed
22 the lowest cost sharing level applied to generic non-abuse deterrent
23 opioid drugs covered under the applicable contract;

24 (3) An increase in patient cost sharing or disincentives for a
25 prescriber or dispenser shall not be allowed to achieve compliance
26 with this section; and

27 (4) Any prior authorization requirements or other utilization
28 review measures for opioid analgesic drugs, and any service denials
29 made pursuant thereto, shall not require first use of non-abuse-
30 deterrent opioid analgesic drugs in order to access opioid analgesic
31 drugs with abuse-deterrent properties. Nothing in this subsection
32 shall be construed to prevent the application of prior authorization
33 requirements to abuse-deterrent opioid analgesic drugs, provided
34 that those requirements are also applied to non-abuse-deterrent
35 versions of that opioid.

36 b. The provisions of this section shall apply to all health
37 service corporation contracts in which the health service
38 corporation has reserved the right to change the premium.

39 c. As used in this section:

40 “Abuse-deterrent opioid analgesic drug” means a brand or
41 generic opioid analgesic drug approved by the United States Food
42 and Drug Administration with abuse-deterrence labeling claims
43 indicating its abuse-deterrent properties are expected to deter or
44 reduce its abuse.

45 “Cost sharing” means any coverage limit, copayment,
46 coinsurance, deductible, or other out-of-pocket expense
47 requirements.

1 “Opioid analgesic drug” means a drug in the opioid analgesic
2 drug class prescribed to treat moderate to severe pain or other
3 conditions, whether in immediate release or extended release form,
4 and whether or not combined with other drug substances to form a
5 single drug product or other dosage form.

6
7 4. a. An individual health insurance policy that provides
8 hospital or medical expense benefits and is delivered, issued,
9 executed or renewed in this State, or approved for issuance or
10 renewal in this State by the Commissioner of Banking and
11 Insurance, on or after the effective date of this act, shall provide
12 coverage on its formulary, drug list, or other lists of similar
13 construct for at least one prescribed abuse-deterrent opioid
14 analgesic drug product per opioid analgesic active ingredient,
15 subject to the following requirements:

16 (1) Cost sharing for brand name abuse-deterrent opioid
17 analgesic drug products covered pursuant to this subsection shall
18 not exceed the lowest cost sharing level applied to brand name non-
19 abuse deterrent opioid drugs covered under the applicable contract;

20 (2) Cost sharing for generic abuse deterrent opioid analgesic
21 drug products covered pursuant to this subsection shall not exceed
22 the lowest cost sharing level applied to generic non-abuse deterrent
23 opioid drugs covered under the applicable contract;

24 (3) An increase in patient cost sharing or disincentives for a
25 prescriber or dispenser shall not be allowed to achieve compliance
26 with this section; and

27 (4) Any prior authorization requirements or other utilization
28 review measures for opioid analgesic drugs, and any service denials
29 made pursuant thereto, shall not require first use of non-abuse-
30 deterrent opioid analgesic drugs in order to access opioid analgesic
31 drugs with abuse-deterrent properties. Nothing in this subsection
32 shall be construed to prevent the application of prior authorization
33 requirements to abuse-deterrent opioid analgesic drugs, provided
34 that those requirements are also applied to non-abuse-deterrent
35 versions of that opioid.

36 b. The provisions of this section shall apply to those policies in
37 which the insurer has reserved the right to change the premium.

38 c. As used in this section:

39 “Abuse-deterrent opioid analgesic drug” means a brand or
40 generic opioid analgesic drug approved by the United States Food
41 and Drug Administration with abuse-deterrence labeling claims
42 indicating its abuse-deterrent properties are expected to deter or
43 reduce its abuse.

44 “Cost sharing” means any coverage limit, copayment,
45 coinsurance, deductible, or other out-of-pocket expense
46 requirements.

47 “Opioid analgesic drug” means a drug in the opioid analgesic
48 drug class prescribed to treat moderate to severe pain or other

1 conditions, whether in immediate release or extended release form,
2 and whether or not combined with other drug substances to form a
3 single drug product or other dosage form.

4
5 5. a. A group health insurance policy that provides hospital or
6 medical expense benefits and is delivered, issued, executed or
7 renewed in this State, or approved for issuance or renewal in this
8 State by the Commissioner of Banking and Insurance, on or after
9 the effective date of this act, shall provide coverage on its
10 formulary, drug list, or other lists of similar construct for at least
11 one prescribed abuse-deterrent opioid analgesic drug product per
12 opioid analgesic active ingredient, subject to the following
13 requirements:

14 (1) Cost sharing for brand name abuse-deterrent opioid
15 analgesic drug products covered pursuant to this subsection shall
16 not exceed the lowest cost sharing level applied to brand name non-
17 abuse deterrent opioid drugs covered under the applicable contract;

18 (2) Cost sharing for generic abuse deterrent opioid analgesic
19 drug products covered pursuant to this subsection shall not exceed
20 the lowest cost sharing level applied to generic non-abuse deterrent
21 opioid drugs covered under the applicable contract;

22 (3) An increase in patient cost sharing or disincentives for a
23 prescriber or dispenser shall not be allowed to achieve compliance
24 with this section; and

25 (4) Any prior authorization requirements or other utilization
26 review measures for opioid analgesic drugs, and any service denials
27 made pursuant thereto, shall not require first use of non-abuse-
28 deterrent opioid analgesic drugs in order to access opioid analgesic
29 drugs with abuse-deterrent properties. Nothing in this subsection
30 shall be construed to prevent the application of prior authorization
31 requirements to abuse-deterrent opioid analgesic drugs, provided
32 that those requirements are also applied to non-abuse-deterrent
33 versions of that opioid.

34 b. The provisions of this section shall apply to those policies in
35 which the insurer has reserved the right to change the premium.

36 c. As used in this section:

37 “Abuse-deterrent opioid analgesic drug” means a brand or
38 generic opioid analgesic drug approved by the United States Food
39 and Drug Administration with abuse-deterrence labeling claims
40 indicating its abuse-deterrent properties are expected to deter or
41 reduce its abuse.

42 “Cost sharing” means any coverage limit, copayment,
43 coinsurance, deductible, or other out-of-pocket expense
44 requirements.

45 “Opioid analgesic drug” means a drug in the opioid analgesic
46 drug class prescribed to treat moderate to severe pain or other
47 conditions, whether in immediate release or extended release form,

1 and whether or not combined with other drug substances to form a
2 single drug product or other dosage form.

3

4 6. a. An individual health benefits plan that provides hospital
5 or medical expense benefits and is delivered, issued, executed or
6 renewed in this State, or approved for issuance or renewal in this
7 State by the Commissioner of Banking and Insurance, on or after
8 the effective date of this act, shall provide coverage on its
9 formulary, drug list, or other lists of similar construct for at least
10 one prescribed abuse-deterrent opioid analgesic drug product per
11 opioid analgesic active ingredient, subject to the following
12 requirements:

13 (1) Cost sharing for brand name abuse-deterrent opioid
14 analgesic drug products covered pursuant to this subsection shall
15 not exceed the lowest cost sharing level applied to brand name non-
16 abuse deterrent opioid drugs covered under the applicable contract;

17 (2) Cost sharing for generic abuse deterrent opioid analgesic
18 drug products covered pursuant to this subsection shall not exceed
19 the lowest cost sharing level applied to generic non-abuse deterrent
20 opioid drugs covered under the applicable contract;

21 (3) An increase in patient cost sharing or disincentives for a
22 prescriber or dispenser shall not be allowed to achieve compliance
23 with this section; and

24 (4) Any prior authorization requirements or other utilization
25 review measures for opioid analgesic drugs, and any service denials
26 made pursuant thereto, shall not require first use of non-abuse-
27 deterrent opioid analgesic drugs in order to access opioid analgesic
28 drugs with abuse-deterrent properties. Nothing in this subsection
29 shall be construed to prevent the application of prior authorization
30 requirements to abuse-deterrent opioid analgesic drugs, provided
31 that those requirements are also applied to non-abuse-deterrent
32 versions of that opioid.

33 b. The provisions of this section shall apply to all individual
34 health benefits plans in which the carrier has reserved the right to
35 change the premium.

36 c. As used in this section:

37 “Abuse-deterrent opioid analgesic drug” means a brand or
38 generic opioid analgesic drug approved by the United States Food
39 and Drug Administration with abuse-deterrence labeling claims
40 indicating its abuse-deterrent properties are expected to deter or
41 reduce its abuse.

42 “Cost sharing” means any coverage limit, copayment,
43 coinsurance, deductible, or other out-of-pocket expense
44 requirements.

45 “Opioid analgesic drug” means a drug in the opioid analgesic
46 drug class prescribed to treat moderate to severe pain or other
47 conditions, whether in immediate release or extended release form,

1 and whether or not combined with other drug substances to form a
2 single drug product or other dosage form.

3

4 7. a. A small employer health benefits plan that provides
5 hospital or medical expense benefits and is delivered, issued,
6 executed or renewed in this State, or approved for issuance or
7 renewal in this State by the Commissioner of Banking and
8 Insurance, on or after the effective date of this act, shall provide
9 coverage on its formulary, drug list, or other lists of similar
10 construct for at least one prescribed abuse-deterrent opioid
11 analgesic drug product per opioid analgesic active ingredient,
12 subject to the following requirements:

13 (1) Cost sharing for brand name abuse-deterrent opioid
14 analgesic drug products covered pursuant to this subsection shall
15 not exceed the lowest cost sharing level applied to brand name non-
16 abuse deterrent opioid drugs covered under the applicable contract;

17 (2) Cost sharing for generic abuse deterrent opioid analgesic
18 drug products covered pursuant to this subsection shall not exceed
19 the lowest cost sharing level applied to generic non-abuse deterrent
20 opioid drugs covered under the applicable contract;

21 (3) An increase in patient cost sharing or disincentives for a
22 prescriber or dispenser shall not be allowed to achieve compliance
23 with this section; and

24 (4) Any prior authorization requirements or other utilization
25 review measures for opioid analgesic drugs, and any service denials
26 made pursuant thereto, shall not require first use of non-abuse-
27 deterrent opioid analgesic drugs in order to access opioid analgesic
28 drugs with abuse-deterrent properties. Nothing in this subsection
29 shall be construed to prevent the application of prior authorization
30 requirements to abuse-deterrent opioid analgesic drugs, provided
31 that those requirements are also applied to non-abuse-deterrent
32 versions of that opioid.

33 b. The provisions of this section shall apply to all small
34 employer health benefits plans in which the carrier has reserved the
35 right to change the premium.

36 c. As used in this section:

37 “Abuse-deterrent opioid analgesic drug” means a brand or
38 generic opioid analgesic drug approved by the United States Food
39 and Drug Administration with abuse-deterrence labeling claims
40 indicating its abuse-deterrent properties are expected to deter or
41 reduce its abuse.

42 “Cost sharing” means any coverage limit, copayment,
43 coinsurance, deductible, or other out-of-pocket expense
44 requirements.

45 “Opioid analgesic drug” means a drug in the opioid analgesic
46 drug class prescribed to treat moderate to severe pain or other
47 conditions, whether in immediate release or extended release form,

1 and whether or not combined with other drug substances to form a
2 single drug product or other dosage form.

3

4 8. a. A health maintenance organization contract that provides
5 hospital or medical expense benefits and is delivered, issued,
6 executed or renewed in this State, or approved for issuance or
7 renewal in this State by the Commissioner of Banking and
8 Insurance, on or after the effective date of this act, shall provide
9 coverage on its formulary, drug list, or other lists of similar
10 construct for at least one prescribed abuse-deterrent opioid
11 analgesic drug product per opioid analgesic active ingredient,
12 subject to the following requirements:

13 (1) Cost sharing for brand name abuse-deterrent opioid
14 analgesic drug products covered pursuant to this subsection shall
15 not exceed the lowest cost sharing level applied to brand name non-
16 abuse deterrent opioid drugs covered under the applicable contract;

17 (2) Cost sharing for generic abuse deterrent opioid analgesic
18 drug products covered pursuant to this subsection shall not exceed
19 the lowest cost sharing level applied to generic non-abuse deterrent
20 opioid drugs covered under the applicable contract;

21 (3) An increase in patient cost sharing or disincentives for a
22 prescriber or dispenser shall not be allowed to achieve compliance
23 with this section; and

24 (4) Any prior authorization requirements or other utilization
25 review measures for opioid analgesic drugs, and any service denials
26 made pursuant thereto, shall not require first use of non-abuse-
27 deterrent opioid analgesic drugs in order to access opioid analgesic
28 drugs with abuse-deterrent properties. Nothing in this subsection
29 shall be construed to prevent the application of prior authorization
30 requirements to abuse-deterrent opioid analgesic drugs, provided
31 that those requirements are also applied to non-abuse-deterrent
32 versions of that opioid.

33 b. The provisions of this section shall apply to those contracts
34 by health maintenance organizations in which the health
35 maintenance organization has reserved the right to change the
36 premium.

37 c. As used in this section:

38 “Abuse-deterrent opioid analgesic drug” means a brand or
39 generic opioid analgesic drug approved by the United States Food
40 and Drug Administration with abuse-deterrence labeling claims
41 indicating its abuse-deterrent properties are expected to deter or
42 reduce its abuse.

43 “Cost sharing” means any coverage limit, copayment,
44 coinsurance, deductible, or other out-of-pocket expense
45 requirements.

46 “Opioid analgesic drug” means a drug in the opioid analgesic
47 drug class prescribed to treat moderate to severe pain or other
48 conditions, whether in immediate release or extended release form,

1 and whether or not combined with other drug substances to form a
2 single drug product or other dosage form.

3

4 9. a. The State Health Benefits Commission shall ensure that
5 every contract purchased by the commission on or after the
6 effective date of this act that provides hospital or medical expense
7 benefits shall provide coverage on its formulary, drug list, or other
8 lists of similar construct for at least one prescribed abuse-deterrent
9 opioid analgesic drug product per opioid analgesic active
10 ingredient, subject to the following requirements:

11 (1) Cost sharing for brand name abuse-deterrent opioid
12 analgesic drug products covered pursuant to this subsection shall
13 not exceed the lowest cost sharing level applied to brand name non-
14 abuse deterrent opioid drugs covered under the applicable contract;

15 (2) Cost sharing for generic abuse deterrent opioid analgesic
16 drug products covered pursuant to this subsection shall not exceed
17 the lowest cost sharing level applied to generic non-abuse deterrent
18 opioid drugs covered under the applicable contract;

19 (3) An increase in patient cost sharing or disincentives for a
20 prescriber or dispenser shall not be allowed to achieve compliance
21 with this section; and

22 (4) Any prior authorization requirements or other utilization
23 review measures for opioid analgesic drugs, and any service denials
24 made pursuant thereto, shall not require first use of non-abuse-
25 deterrent opioid analgesic drugs in order to access opioid analgesic
26 drugs with abuse-deterrent properties. Nothing in this subsection
27 shall be construed to prevent the application of prior authorization
28 requirements to abuse-deterrent opioid analgesic drugs, provided
29 that those requirements are also applied to non-abuse-deterrent
30 versions of that opioid.

31 b. As used in this section:

32 “Abuse-deterrent opioid analgesic drug” means a brand or
33 generic opioid analgesic drug approved by the United States Food
34 and Drug Administration with abuse-deterrence labeling claims
35 indicating its abuse-deterrent properties are expected to deter or
36 reduce its abuse.

37 “Cost sharing” means any coverage limit, copayment,
38 coinsurance, deductible, or other out-of-pocket expense
39 requirements.

40 “Opioid analgesic drug” means a drug in the opioid analgesic
41 drug class prescribed to treat moderate to severe pain or other
42 conditions, whether in immediate release or extended release form,
43 and whether or not combined with other drug substances to form a
44 single drug product or other dosage form.

45

46 10. a. The School Employees’ Health Benefits Commission
47 shall ensure that every contract purchased by the commission on or
48 after the effective date of this act that provides hospital or medical

1 expense benefits shall provide coverage on its formulary, drug list,
2 or other lists of similar construct for at least one prescribed abuse-
3 deterrent opioid analgesic drug product per opioid analgesic active
4 ingredient, subject to the following requirements:

5 (1) Cost sharing for brand name abuse-deterrent opioid
6 analgesic drug products covered pursuant to this subsection shall
7 not exceed the lowest cost sharing level applied to brand name non-
8 abuse deterrent opioid drugs covered under the applicable contract;

9 (2) Cost sharing for generic abuse deterrent opioid analgesic
10 drug products covered pursuant to this subsection shall not exceed
11 the lowest cost sharing level applied to generic non-abuse deterrent
12 opioid drugs covered under the applicable contract;

13 (3) An increase in patient cost sharing or disincentives for a
14 prescriber or dispenser shall not be allowed to achieve compliance
15 with this section; and

16 (4) Any prior authorization requirements or other utilization
17 review measures for opioid analgesic drugs, and any service denials
18 made pursuant thereto, shall not require first use of non-abuse-
19 deterrent opioid analgesic drugs in order to access opioid analgesic
20 drugs with abuse-deterrent properties. Nothing in this subsection
21 shall be construed to prevent the application of prior authorization
22 requirements to abuse-deterrent opioid analgesic drugs, provided
23 that those requirements are also applied to non-abuse-deterrent
24 versions of that opioid.

25 b. As used in this section:

26 “Abuse-deterrent opioid analgesic drug” means a brand or
27 generic opioid analgesic drug approved by the United States Food
28 and Drug Administration with abuse-deterrence labeling claims
29 indicating its abuse-deterrent properties are expected to deter or
30 reduce its abuse.

31 “Cost sharing” means any coverage limit, copayment,
32 coinsurance, deductible, or other out-of-pocket expense
33 requirements.

34 “Opioid analgesic drug” means a drug in the opioid analgesic
35 drug class prescribed to treat moderate to severe pain or other
36 conditions, whether in immediate release or extended release form,
37 and whether or not combined with other drug substances to form a
38 single drug product or other dosage form.

39

40 11. This act shall take effect on the 90th day after enactment.

41

42

43

STATEMENT

44

45 This bill requires health insurers to provide health benefits
46 coverage for prescribed abuse-deterrent opioid analgesic drugs.
47 Opioid analgesic drugs are drugs prescribed to treat moderate to severe
48 pain or other conditions. Abuse-deterrent opioid analgesic drugs are a

1 brand or generic opioid analgesic drug approved by the United States
2 Food and Drug Administration with abuse-deterrence labeling claims
3 indicating its abuse-deterrent properties are expected to deter or reduce
4 its abuse.

5 The bill requires health insurers to provide coverage on the
6 insurer's formulary, drug list, or other lists of similar construct, for at
7 least one prescribed abuse-deterrent opioid analgesic drug product per
8 opioid analgesic active ingredient, subject to the following:

9 (1) Cost sharing for brand name abuse-deterrent opioid analgesic
10 drug products shall not exceed the lowest cost sharing level applied to
11 brand name non-abuse deterrent opioid drugs covered under the
12 applicable contract;

13 (2) Cost sharing for generic abuse deterrent opioid analgesic drug
14 products shall not exceed the lowest cost sharing level applied to
15 generic non-abuse deterrent opioid drugs covered under the applicable
16 contract;

17 (3) An increase in patient cost sharing or disincentives for a
18 prescriber or dispenser shall not be allowed to achieve compliance
19 with the bill's provisions; and

20 (4) Any prior authorization requirements or other utilization
21 review measures for opioid analgesic drugs, and any service denials
22 made pursuant thereto, shall not require first use of non-abuse-
23 deterrent opioid analgesic drugs in order to access opioid analgesic
24 drugs with abuse-deterrent properties.

25 The bill applies to health, hospital and medical service
26 corporations; commercial individual and group health insurers; health
27 maintenance organizations; health benefits plans issued pursuant to the
28 New Jersey Individual Health Coverage and Small Employer Health
29 Benefits Programs; the State Health Benefits Program; and the School
30 Employees' Health Benefits Program.