

§1
C.26:2S-38
§2
C.30:4D-6q
§3
C.52:14-17.29ff
§4
Note

P.L. 2021, CHAPTER 157, *approved July 2, 2021*
Assembly, No. 5703 (*First Reprint*)

1 AN ACT concerning health benefits coverage of ¹**["naloxone"] opioid**
2 antidotes¹ and supplementing various parts of the statutory law.
3
4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:
6
7 1. a. A carrier shall ensure that every contract to provide
8 prescription drug benefits, or to authorize the purchase of a contract
9 to provide prescription drug benefits, shall provide coverage for
10 ¹**["naloxone"] an opioid antidote**¹ to covered persons without the
11 imposition of any prior authorization or other utilization
12 management requirements, provided that the drug is:
13 (1) prescribed or administered to the covered person by a
14 licensed medical practitioner who is authorized to prescribe or
15 administer that treatment pursuant to State and federal law; or
16 (2) dispensed to the covered person by a licensed pharmacist
17 under a standing order to dispense an opioid antidote pursuant ¹to
18 section 1 of¹ P.L.2017, c.88 (C.45:14-67.2).
19 b. The provisions of this section shall not be construed to limit
20 the coverage of ¹**["naloxone"] an opioid antidote**¹ only when
21 administered by a medical practitioner.
22 c. As used in this section:
23 "Carrier" means an insurance company, health service
24 corporation, hospital service corporation, medical service
25 corporation, or health maintenance organization authorized to issue
26 health benefits plans in this State.
27 ¹**["Naloxone"** means a drug or device containing naloxone
28 hydrochloride that is approved by the United States Food and Drug
29 Administration for the treatment of an opioid overdose, either in the
30 intramuscular or intranasal form and including a nasal atomizer if
31 required to administer the drug] **"Opioid antidote"** means naloxone
32 hydrochloride, or any other similarly acting drug approved by the

EXPLANATION – Matter enclosed in bold-faced brackets **["thus"]** in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Assembly AHE committee amendments adopted May 17, 2021.

1 United States Food and Drug Administration for self-administration
2 for the treatment of an opioid overdose¹.

3
4 2. a. The Division of Medical Assistance and Health Services
5 in the Department of Human Services shall provide coverage for
6 ¹**["naloxone"]** an opioid antidote¹ under the Medicaid program and
7 the NJ FamilyCare program without the imposition of any prior
8 authorization or other utilization management requirements,
9 provided that the drug is:

10 (1) prescribed or administered to an enrollee by a licensed
11 medical practitioner who is authorized to prescribe or administer
12 that treatment pursuant to State and federal law; or

13 (2) dispensed to an enrollee by a licensed pharmacist under a
14 standing order to dispense an opioid antidote pursuant ¹to section 1
15 of¹ P.L.2017, c.88 (C.45:14-67.2).

16 b. The provisions of this section shall not be construed to limit
17 the coverage of ¹**["naloxone"]** an opioid antidote¹ only when
18 administered by a medical practitioner.

19 c. The division shall require each managed care organization
20 contracted with the division to provide pharmacy benefits to
21 Medicaid and NJ FamilyCare enrollees to comply with the
22 provisions of this section.

23 d. The Commissioner of Human Services shall apply for such
24 State plan amendments or waivers as may be necessary to
25 implement the provisions of this section and to secure federal
26 financial participation for State Medicaid expenditures under the
27 federal Medicaid program.

28 e. As used in this section:

29 "Medicaid program" means the program established pursuant to
30 P.L.1968, c.413 (C.30:4D-1 et seq.).

31 ¹**["Naloxone"]** means a drug or device containing naloxone
32 hydrochloride that is approved by the United States Food and Drug
33 Administration for the treatment of an opioid overdose, either in the
34 intramuscular or intranasal form and including a nasal atomizer if
35 required to administer the drug ¹**["Opioid antidote"]** means naloxone
36 hydrochloride, or any other similarly acting drug approved by the
37 United States Food and Drug Administration for self-administration
38 for the treatment of an opioid overdose¹.

39 "NJ FamilyCare program" means the program established
40 pursuant to P.L.2005, c.156 (C.30:4J-8 et al.).

41
42 3. a. Notwithstanding any law or regulation to the contrary, the
43 State Health Benefits Commission and the School Employees'
44 Health Benefits Commission shall ensure that every contract under
45 the State Health Benefits Program shall provide coverage for
46 ¹**["naloxone"]** an opioid antidote¹ to eligible members of the State
47 Health Benefits Program and the School Employees' Health

1 Benefits Program. The coverage shall be provided without the
2 imposition of any prior authorization or other utilization
3 management requirements, provided that the treatment is:

4 (1) prescribed or administered to the eligible member by a
5 licensed medical practitioner who is authorized to prescribe or
6 administer that treatment pursuant to State and federal law; or

7 (2) dispensed to the eligible member by a licensed pharmacist
8 under a standing order to dispense an opioid antidote pursuant ¹to
9 section 1 of¹ P.L.2017, c.88 (C.45:14-67.2).

10 b. The provisions of this section shall not be construed to limit
11 the coverage of ¹**["naloxone"]** an opioid antidote¹ only when
12 administered by a medical practitioner.

13 c. Each commission shall develop and issue guidelines to
14 ensure the safety and efficacy of benefits provided pursuant to this
15 section.

16 d. As used in this section:

17 ¹**["Naloxone"** means a drug or device containing naloxone
18 hydrochloride that is approved by the United States Food and Drug
19 Administration for the treatment of an opioid overdose, either in the
20 intramuscular or intranasal form and including a nasal atomizer if
21 required to administer the drug**"]** "Opioid antidote" means naloxone
22 hydrochloride, or any other similarly acting drug approved by the
23 United States Food and Drug Administration for self-administration
24 for the treatment of an opioid overdose¹.
25

26 4. This act shall take effect immediately and apply to every
27 contract issued, renewed, or issued for renewal on or after that date,
28 notwithstanding any federal approval required under the Medicaid
29 and NJ FamilyCare programs pursuant to section 2 of this act.
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34 Requires certain health insurers, Medicaid, NJ FamilyCare,
35 SHBP, and SEHBP to cover opioid antidote without imposing prior
36 authorization requirements.