

Senate Bill 245

By: Senators Jeffares of the 17th, Mullis of the 53rd, Millar of the 40th and Harper of the 7th

A BILL TO BE ENTITLED  
AN ACT

1 To amend Chapter 24 of Title 33 of the Official Code of Georgia Annotated, relating to  
2 general provisions of insurance, so as to provide for access to opioid analgesics with  
3 abuse-deterrent properties; to provide for definitions; to provide for coverage as a preferred  
4 drug; to provide for utilization management; to provide for legislative findings; to provide  
5 for related matters; to provide for applicability; to repeal conflicting laws; and for other  
6 purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 WHEREAS, the General Assembly finds that the abuse of opioids is a serious problem that  
10 affects the health, social, and economic welfare of the state;

11 WHEREAS, the General Assembly finds that an estimated 2.1 million people in the United  
12 States suffered from substance use disorders related to prescription opioid pain relievers in  
13 2012;

14 WHEREAS, the General Assembly finds that the number of unintentional overdose deaths  
15 from prescription pain relievers has more than quadrupled since 1999; and

16 WHEREAS, the General Assembly further finds that it is imperative for people suffering  
17 from pain to get the relief they need while minimizing the potential for negative  
18 consequences.

19 **SECTION 2.**

20 Chapter 24 of Title 33 of the Official Code of Georgia Annotated, relating to general  
21 provisions of insurance, is amended by adding a new Code section to read as follows:

22 "33-24-59.18.

23 (a) As used in this Code section, the term:

24 (1) 'Abuse-deterrent opioid analgesic drug product' means a brand or generic opioid  
25 analgesic drug product approved by the federal Food and Drug Administration with  
26 abuse-deterrence labeling claims that indicate the drug product is expected to result in a  
27 meaningful reduction in abuse.

28 (2) 'Cost sharing' means any coverage limit, copayment, coinsurance, deductible, or other  
29 out-of-pocket expense requirements.

30 (3) 'Health benefit policy' means any individual or group plan, policy, or contract for  
31 health care services issued, delivered, issued for delivery, or renewed in this state on or  
32 after July 1, 2015, including but not limited to those policies, plans, or contracts executed  
33 by the State of Georgia on behalf of state employees under Article 1 of Chapter 18 of  
34 Title 45. The term shall not include the following limited benefit policies: accident only,  
35 CHAMPUS supplement, dental, disability income, fixed indemnity, long-term care,  
36 Medicaid, medicare supplement, specified disease, vision, self-insured plans, and  
37 nonrenewable individual policies written for a period of less than six months.

38 (4) 'Opioid analgesic drug product' means a drug product in the opioid analgesic drug  
39 class prescribed to treat moderate to severe pain or other conditions, whether in  
40 immediate release or extended release/long-acting form and whether or not combined  
41 with other drug substances to form a single drug product or dosage form.

42 (b) A health benefit policy shall provide coverage for abuse-deterrent opioid analgesic  
43 drug products as preferred drugs on their formulary, preferred drug list, or other lists of  
44 similar construct.

45 (c) Cost sharing for abuse-deterrent opioid analgesic drug products shall not exceed the  
46 lowest cost-sharing level applied to prescription drugs.

47 (d) An increase in patient cost sharing or other disincentives for prescribers or dispensers  
48 shall not be allowed to achieve compliance with this Code section.

49 (e) Any prior authorization requirements or other utilization review measures for opioid  
50 analgesic drug products on the market, and any service denials made pursuant thereto, shall  
51 not require first use of non-abuse-deterrent opioid analgesic drug products in order to  
52 access opioid analgesic drug products with abuse-deterrent properties.

53 (f) This Code section shall not be construed to prevent a health benefit policy from  
54 applying prior authorization requirements to abuse-deterrent opioid analgesic drug  
55 products, provided that such requirements are applied to non-abuse-deterrent versions of  
56 that opioid."

57

**SECTION 3.**

58 This Act shall apply to all policies issued or renewed on or after July 1, 2015.

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**SECTION 4.**

60 All laws and parts of laws in conflict with this Act are repealed.