

House Bill 326

By: Representatives Au of the 50th, Stephens of the 164th, Cooper of the 45th, Oliver of the 84th, and Hawkins of the 27th

A BILL TO BE ENTITLED
AN ACT

1 To amend Article 1 of Chapter 18 of Title 45 of the Official Code of Georgia Annotated,
2 relating to state employees' health insurance and benefit plans, so as to mandate that the state
3 health benefit plan provide coverage for qualifying nonopioid pain management drugs that
4 is in parity with its coverage for opioid pain management drugs; to provide for definitions;
5 to provide for parity with regard to annual deductibles, coinsurance, copayments, exclusions,
6 reductions, other limitations, or utilization review; to provide for legislative construction; to
7 provide for related matters; to provide for a short title; to provide for legislative findings; to
8 provide for an effective date; to repeal conflicting laws; and for other purposes.

9 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

10 **SECTION 1.**

11 This Act shall be known and may be cited as the "State Health Benefit Plan Nonopioid
12 Coverage Parity Act."

13 **SECTION 2.**

14 The General Assembly finds and declares that:

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- 15 (1) An opioid epidemic has cost the state millions of dollars in medical treatment, lost
16 economic productivity, and increased overdose deaths, among other costs; and
17 (2) Requiring coverage for nonopioid pain management drugs in the state health benefit
18 plan that is at least as good as its coverage for opioid pain management drugs will reduce
19 the costs borne by this state.

20 **SECTION 3.**

21 Article 1 of Chapter 18 of Title 45 of the Official Code of Georgia Annotated, relating to
22 state employees' health insurance and benefit plans, is amended by adding a new Code
23 section to read as follows:

24 "45-18-4.2.

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

26 (1) 'Healthcare provider' means the pharmacy, attending physician, or any other person
27 or entity administering healthcare to a member of the state health benefit plan at the time
28 of reference that is licensed, certified, or otherwise authorized or permitted by law to
29 administer healthcare in the ordinary course of business or practice of a profession,
30 including any person employed by or acting for any such authorized person or entity.

31 (2) 'Prior authorization' means any requirement for the healthcare provider to obtain
32 approval from the state health benefit plan prior to the furnishing of a drug.

33 (3) 'Qualifying nonopioid pain management drugs' means a drug or biological product
34 that:

35 (A) Has a label indication approved by the federal Food and Drug Administration to
36 reduce postoperative pain or any other form of acute pain;

37 (B) Does not act upon the body's opioid receptors;

38 (C) Is not a Schedule I or II controlled substance;

39 (D) Has been selected by the Department of Community Health for inclusion in its
40 formulary; and

- 41 (E) Is sold or marketed in the United States.
- 42 (4) 'State health benefit plan' means the health insurance plan established pursuant to this
43 article.
- 44 (5) 'Step therapy' means a drug therapy utilization management protocol or program that
45 requires use of an alternative, preferred prescription drug or drugs before the state health
46 benefit plan approves coverage for the nonpreferred drug therapy prescribed.
- 47 (b) The state health benefit plan shall cover qualifying nonopioid pain management drugs
48 and such drugs shall be subject to the same annual deductible, coinsurance, copayment,
49 exclusions, reductions, or other limitations as to coverage, or utilization review applicable
50 to similar covered opioid pain management drugs.
- 51 (c) Notwithstanding subsection (b) of this Code section, nothing in this Code section shall
52 be construed to prohibit the state health benefit plan from contracting to provide qualifying
53 nonopioid pain management drug coverage for the state health benefit plan that is greater
54 than the coverage provided for opioid pain management drugs.
- 55 (d) The state health benefit plan shall, with respect to a qualifying nonopioid pain
56 management drug for which coverage is provided under such plan, neither impose any step
57 therapy requirement under which an individual enrolled under such plan is required to use
58 an opioid pain management drug prior to receiving the prescribed qualifying nonopioid
59 pain management drug nor require prior authorization for qualifying nonopioid pain
60 management drugs unless similar prior authorization is required for opioid pain
61 management drugs.
- 62 (e) Nothing in this Code section should be construed to interfere with the ability of a
63 healthcare provider to prescribe or administer a course of treatment that is medically
64 appropriate."

65 **SECTION 4.**

66 This Act shall become effective on January 1, 2026.

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SECTION 5.

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