

The House Committee on Health offers the following substitute to HB 326:

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 plan and post-employment health benefit fund,  
3 so as to mandate that the state health benefit plan provide coverage for qualifying nonopioid  
4 pain management drugs in parity with its coverage for opioid pain management drugs; to  
5 provide for definitions; to provide for parity with regard to annual deductibles, coinsurance,  
6 copayments, exclusions, reductions, other limitations, or utilization review; to provide for  
7 legislative construction; to provide for related matters; to provide for a short title; to provide  
8 for legislative findings and declarations; to provide for an effective date; to repeal conflicting  
9 laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

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

14 **SECTION 2.**

15 The General Assembly finds and declares that:

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

21 **SECTION 3.**

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

25 "45-18-4.3.

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

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

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

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

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

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

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

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

42 (E) Is sold or marketed in the United States.

43 (4) 'State health benefit plan' means the health insurance plan established pursuant to this  
44 article.

45 (5) 'Step therapy' means a drug therapy utilization management protocol or program that  
46 requires use of an alternative, preferred prescription drug or drugs before the state health  
47 benefit plan approves coverage for the nonpreferred drug therapy prescribed.

48 (b) The state health benefit plan shall cover qualifying nonopioid pain management drugs  
49 and such drugs shall be subject to the same annual deductible, coinsurance, copayment,  
50 exclusions, reductions, or other limitations as to coverage, or utilization review applicable  
51 to similar covered opioid pain management drugs.

52 (c) Notwithstanding subsection (b) of this Code section, nothing in this Code section shall  
53 be construed to prohibit the state health benefit plan from contracting to provide qualifying  
54 nonopioid pain management drug coverage for the state health benefit plan that is greater  
55 than the coverage provided for opioid pain management drugs.

56 (d) The state health benefit plan shall, with respect to a qualifying nonopioid pain  
57 management drug for which coverage is provided under such plan, neither impose any step  
58 therapy requirement under which an individual enrolled under such plan is required to use  
59 an opioid pain management drug prior to receiving the prescribed qualifying nonopioid  
60 pain management drug nor require prior authorization for qualifying nonopioid pain  
61 management drugs unless similar prior authorization is required for opioid pain  
62 management drugs.

63 (e) Nothing in this Code section should be construed to interfere with the ability of a  
64 healthcare provider to prescribe or administer a course of treatment that is medically  
65 appropriate."

66 **SECTION 4.**

67 This Act shall become effective on January 1, 2027.

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**SECTION 5.**

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