

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23

H. B. 2961

(By Delegates Eldridge, R. Phillips, Lynch, H. White,
Fluharty, Trecost, Ferro, Sponaugle, L. Phillips and Campbell)

[Introduced February 24, 2015; referred to the
Committee on Health and Human Resources then the Judiciary.]

A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
designated §33-15-4l, relating to abuse-deterrent opioid analgesic drugs.

Be it enacted by the Legislature of West Virginia:

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new
section, designated §33-15-4l, to read as follows:

ARTICLE 15. ACCIDENT AND SICKNESS INSURANCE.

§33-15-4l. Abuse-deterrent opioid analgesic drugs.

(a) Findings – The legislature makes the following findings:

(1) That the abuse of opioids is a serious problem that affects the health, social, and economic
welfare of the state;

(2) That an estimated 2.1 million people in the United States suffered from substance use
disorders related to prescription opioid pain relievers in 2012;

(3) That the number of unintentional overdose deaths from prescription pain relievers has
more than quadrupled since 1999; and

1 (4) That it is imperative for people suffering from pain to get the relief they need while
2 minimizing the potential for negative consequences.

3 (b) Definitions --

4 (1) “Opioid analgesic drug product” means a drug product in the opioid analgesic drug class
5 prescribed to treat moderate to severe pain or other conditions, whether in immediate release or
6 extended release/ long-acting form and whether or not combined with other drug substances to form
7 a single drug product or dosage form.

8 (2) “Abuse-deterrent opioid analgesic drug product” means a brand or generic opioid
9 analgesic drug product approved by the U.S. Food and Drug Administration (FDA) with
10 abuse-deterrence labeling claims that indicate the drug product is expected to result in a meaningful
11 reduction in abuse.

12 (3) “Cost sharing” means any coverage limit, copayment, coinsurance, deductible, or other
13 out-of-pocket expense requirements.

14 (c) Coverage – Notwithstanding any provision of any policy, provision, contract, plan or
15 agreement applicable to this article, any health insurance policy subject to this article, issued or
16 renewed on or after July 1, 2015, shall provide coverage for abuse-deterrent opioid analgesic drugs
17 as preferred drugs on their formulary, preferred drug list or other lists of similar construct.
18 Cost-sharing for abuse-deterrent opioid analgesic drug products shall not exceed the lowest
19 cost-sharing level applied to prescription drugs. An increase in patient cost sharing or other
20 disincentives for prescribers or dispensers is not allowed to achieve compliance with this section.

21 (d) Utilization management – Any prior authorization requirements or other utilization
22 review measures for opioid analgesic drug products, and any service denials made pursuant thereto,

1 may not require first use of nonabuse-deterrent opioid analgesic drug products in order to access
2 opioid analgesic drug products with abuse-deterrent properties. This section does not be prevent an
3 insurer or health plan from applying prior authorization requirements to abuse-deterrent opioid
4 analgesic drug products: *Provided*, That the requirements are applied to nonabuse-deterrent versions
5 of that opioid.

NOTE: The purpose of this bill is to provide access to opioid analgesics with abuse-deterrent properties.

§33-15-4l is new; therefore, it has been completely underscored.