

WEST VIRGINIA LEGISLATURE

2016 REGULAR SESSION

Introduced

House Bill 2961

2015 Carryover

(BY DELEGATES ELDRIDGE, R. PHILLIPS, LYNCH,
FLUHARTY, TRECOST, FERRO, SPONAUGLE AND
CAMPBELL)

[Introduced January 13, 2016; referred to the
Committee on Health and Human Resources then the Judiciary.]

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

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 15. ACCIDENT AND SICKNESS INSURANCE.

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

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

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

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

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

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

10 (b) Definitions --

11 (1) "Opioid analgesic drug product" means a drug product in the opioid analgesic drug
12 class prescribed to treat moderate to severe pain or other conditions, whether in immediate
13 release or extended release/ long-acting form and whether or not combined with other drug
14 substances to form a single drug product or dosage form.

15 (2) "Abuse-deterrent opioid analgesic drug product" means a brand or generic opioid
16 analgesic drug product approved by the U.S. Food and Drug Administration (FDA) with
17 abuse-deterrence labeling claims that indicate the drug product is expected to result in a

18 meaningful reduction in abuse.

19 (3) "Cost sharing" means any coverage limit, copayment, coinsurance, deductible, or other
20 out-of-pocket expense requirements.

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

29 (d) Utilization management – Any prior authorization requirements or other utilization
30 review measures for opioid analgesic drug products, and any service denials made pursuant
31 thereto, may not require first use of nonabuse-deterrent opioid analgesic drug products in order
32 to access opioid analgesic drug products with abuse-deterrent properties. This section does not
33 be prevent an insurer or health plan from applying prior authorization requirements to
34 abuse-deterrent opioid analgesic drug products: *Provided*, That the requirements are applied to
35 nonabuse-deterrent versions 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.