

HOUSE BILL No. 5598

April 26, 2016, Introduced by Reps. Kesto, Crawford, Forlini, Lucido and Hughes and referred to the Committee on Insurance.

A bill to amend 1956 PA 218, entitled
"The insurance code of 1956,"
(MCL 500.100 to 500.8302) by adding section 3406u.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 3406U. (1) AN EXPENSE-INCURRED HOSPITAL, MEDICAL, OR
2 SURGICAL POLICY OR CERTIFICATE DELIVERED, ISSUED FOR DELIVERY, OR
3 RENEWED IN THIS STATE THAT PROVIDES PHARMACEUTICAL COVERAGE AND A
4 HEALTH MAINTENANCE ORGANIZATION CONTRACT THAT PROVIDES
5 PHARMACEUTICAL COVERAGE SHALL PROVIDE COVERAGE FOR AT LEAST 1
6 ABUSE-DETERRENT OPIOID ANALGESIC DRUG PRODUCT PER OPIOID ANALGESIC
7 INGREDIENT.

8 (2) COST SHARING FOR BRAND-NAME ABUSE-DETERRENT OPIOID
9 ANALGESIC DRUG PRODUCTS COVERED UNDER THIS SECTION MUST NOT EXCEED
10 THE LOWEST COST-SHARING LEVEL APPLIED TO BRAND-NAME PRESCRIPTION

1 DRUGS COVERED UNDER THE POLICY OR CONTRACT.

2 (3) COST SHARING FOR GENERIC ABUSE-DETERRENT OPIOID ANALGESIC
3 DRUG PRODUCTS COVERED UNDER THIS SECTION MUST NOT EXCEED THE LOWEST
4 COST-SHARING LEVEL APPLIED TO GENERIC PRESCRIPTION DRUGS COVERED
5 UNDER THE POLICY OR CONTRACT.

6 (4) AN INSURER OR HEALTH MAINTENANCE ORGANIZATION CANNOT
7 ACHIEVE COMPLIANCE WITH THIS SECTION BY INCREASING PATIENT COST
8 SHARING OR BY ISSUING DISINCENTIVES FOR PRESCRIBERS.

9 (5) AN INSURER OR HEALTH MAINTENANCE ORGANIZATION SHALL NOT
10 REQUIRE AN INSURED OR ENROLLEE TO FIRST USE A NON-ABUSE-DETERRENT
11 OPIOID ANALGESIC DRUG PRODUCT BEFORE PROVIDING COVERAGE FOR AN
12 ABUSE-DETERRENT OPIOID ANALGESIC DRUG PRODUCT.

13 (6) THIS SECTION DOES NOT PROHIBIT AN INSURER OR HEALTH
14 MAINTENANCE ORGANIZATION FROM APPLYING UTILIZATION REVIEW
15 REQUIREMENTS, INCLUDING PRIOR AUTHORIZATION, TO ABUSE-DETERRENT
16 OPIOID ANALGESIC DRUG PRODUCTS IF THE UTILIZATION REVIEW
17 REQUIREMENTS ARE APPLIED TO ALL OPIOID ANALGESIC DRUG PRODUCTS WITH
18 THE SAME TYPE OF DRUG RELEASE, IMMEDIATE OR EXTENDED.

19 (7) AS USED IN THIS SECTION:

20 (A) "ABUSE-DETERRENT OPIOID ANALGESIC DRUG PRODUCT" MEANS A
21 BRAND-NAME OR GENERIC OPIOID ANALGESIC DRUG PRODUCT APPROVED BY THE
22 UNITED STATES FOOD AND DRUG ADMINISTRATION WITH ABUSE-DETERRENCE
23 LABELING CLAIMS INDICATING ITS ABUSE-DETERRENT PROPERTIES ARE
24 EXPECTED TO DETER OR REDUCE ITS ABUSE.

25 (B) "COST SHARING" MEANS ANY COVERAGE LIMIT, COPAYMENT,
26 COINSURANCE, DEDUCTIBLE, OR OTHER OUT-OF-POCKET EXPENSE
27 REQUIREMENTS.

1 (C) "OPIOID ANALGESIC DRUG PRODUCT" MEANS A DRUG PRODUCT THAT
2 CONTAINS AN OPIOID AGONIST AND THAT IS INDICATED BY THE UNITED
3 STATES FOOD AND DRUG ADMINISTRATION FOR THE TREATMENT OF PAIN,
4 WHETHER IN AN IMMEDIATE RELEASE OR EXTENDED RELEASE FORMULATION AND
5 WHETHER OR NOT THE DRUG PRODUCT CONTAINS OTHER DRUG SUBSTANCES.

6 (D) "PRESCRIBER" MEANS THAT TERM AS DEFINED IN SECTION 17708
7 OF THE PUBLIC HEALTH CODE, 1978 PA 368, MCL 333.17708.

8 Enacting section 1. This amendatory act takes effect 90 days
9 after the date it is enacted into law.