

# HOUSE BILL No. 4074

January 24, 2017, Introduced by Rep. Kesto 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) A HEALTH INSURANCE POLICY DELIVERED, ISSUED  
2        FOR DELIVERY, OR RENEWED IN THIS STATE THAT PROVIDES PHARMACEUTICAL  
3        COVERAGE MUST PROVIDE COVERAGE FOR AT LEAST 1 ABUSE-DETERRENT  
4        OPIOID ANALGESIC DRUG PRODUCT PER OPIOID ANALGESIC INGREDIENT.

5        (2) COST SHARING FOR BRAND-NAME ABUSE-DETERRENT OPIOID  
6        ANALGESIC DRUG PRODUCTS COVERED UNDER THIS SECTION MUST NOT EXCEED  
7        THE LOWEST COST-SHARING LEVEL APPLIED TO BRAND-NAME PRESCRIPTION  
8        DRUGS COVERED UNDER THE POLICY.

9        (3) COST SHARING FOR GENERIC ABUSE-DETERRENT OPIOID ANALGESIC  
10       DRUG PRODUCTS COVERED UNDER THIS SECTION MUST NOT EXCEED THE LOWEST

1 COST-SHARING LEVEL APPLIED TO GENERIC PRESCRIPTION DRUGS COVERED  
2 UNDER THE POLICY.

3 (4) AN INSURER CANNOT ACHIEVE COMPLIANCE WITH THIS SECTION BY  
4 INCREASING PATIENT COST SHARING OR BY ISSUING DISINCENTIVES FOR  
5 PRESCRIBERS.

6 (5) AN INSURER SHALL NOT REQUIRE AN INSURED OR ENROLLEE TO  
7 FIRST USE A NON-ABUSE-DETERRENT OPIOID ANALGESIC DRUG PRODUCT  
8 BEFORE PROVIDING COVERAGE FOR AN ABUSE-DETERRENT OPIOID ANALGESIC  
9 DRUG PRODUCT.

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

15 (7) AS USED IN THIS SECTION:

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

21 (B) "COST SHARING" MEANS ANY COVERAGE LIMIT, COPAYMENT,  
22 COINSURANCE, DEDUCTIBLE, OR OTHER OUT-OF-POCKET EXPENSE  
23 REQUIREMENTS.

24 (C) "OPIOID ANALGESIC DRUG PRODUCT" MEANS A DRUG PRODUCT THAT  
25 CONTAINS AN OPIOID AGONIST AND THAT IS INDICATED BY THE UNITED  
26 STATES FOOD AND DRUG ADMINISTRATION FOR THE TREATMENT OF PAIN,  
27 WHETHER IN AN IMMEDIATE RELEASE OR EXTENDED RELEASE FORMULATION AND

1 WHETHER OR NOT THE DRUG PRODUCT CONTAINS OTHER DRUG SUBSTANCES.

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

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