

D R A F T

SUMMARY

Requires health benefit plan that covers opioid analgesic drug products to cover abuse-deterrent opioid analgesic drug products, at no greater cost to insured than other preferred drugs under plan, and specifies other requirements regarding coverage.

A BILL FOR AN ACT

1
2 Relating to opioid analgesic drug products; creating new provisions; and
3 amending ORS 750.055 and 750.333.

4 Whereas the Legislative Assembly finds that the abuse of opioids is a
5 serious problem that affects the health and the social and economic welfare
6 of this state; and

7 Whereas the Legislative Assembly finds that in 2012 an estimated 2.1
8 million people in the United States suffered from substance use disorders
9 related to prescription opioid pain relievers; and

10 Whereas the Legislative Assembly finds that the number of unintentional
11 overdose deaths from prescription opioid pain relievers has more than qua-
12 drupled since 1999; and

13 Whereas the members of the Legislative Assembly are convinced that it
14 is imperative that individuals who suffer from pain get the relief they need
15 while minimizing the potential for negative consequences; now, therefore,

16 **Be It Enacted by the People of the State of Oregon:**

17 **SECTION 1. Section 2 of this 2015 Act is added to and made a part**
18 **of the Insurance Code.**

19 **SECTION 2. (1) As used in this section:**

20 **(a) “Abuse-deterrent opioid analgesic drug product” means an**

1 **opioid analgesic drug product with labeling approved by the United**
2 **States Food and Drug Administration that indicates the product has**
3 **properties that are expected to reduce abuse.**

4 (b) **“Cost-sharing” means any coverage limit, copayment,**
5 **coinsurance, deductible or similar out-of-pocket expense incurred by**
6 **an insured under a policy or certificate of health insurance.**

7 (c) **“Health benefit plan” has the meaning given that term in ORS**
8 **743.730.**

9 (d) **“Lowest cost-sharing level” means the cost-sharing require-**
10 **ments applied to a drug product for which an insured incurs the least**
11 **amount of out-of-pocket expenses.**

12 (e) **“Opioid analgesic drug product” means a drug product in the**
13 **opioid analgesic drug class that is prescribed to treat moderate to se-**
14 **vere pain, regardless of whether the drug is combined with other sub-**
15 **stances in a single product or dosage form.**

16 (2) **A health benefit plan that provides coverage of opioid analgesic**
17 **drug products must provide coverage of abuse-deterrent opioid**
18 **analgesic drug products.**

19 (3) **A health benefit plan may not impose cost-sharing requirements**
20 **on the coverage of abuse-deterrent opioid analgesic drug products that**
21 **exceed the lowest cost-sharing level for any other prescription drug**
22 **covered by the plan.**

23 (4) **A health benefit plan may not impose prior authorization re-**
24 **quirements or other utilization control measures to require initial**
25 **treatment using an opioid analgesic drug product without abuse-**
26 **deterrent properties before an insured may be prescribed or dispensed**
27 **an abuse-deterrent opioid analgesic drug product.**

28 (5) **A health benefit plan may impose on abuse-deterrent opioid**
29 **analgesic drug products prior authorization requirements or other**
30 **utilization control measures only if the same requirements or meas-**
31 **ures are applied to opioid analgesic drug products without abuse-**

1 **deterrent properties.**

2 **(6) An insurer may not increase the lowest cost-sharing level im-**
3 **posed on drugs covered by the plan in order to comply with this sec-**
4 **tion, or create financial disincentives for prescribers and dispensers**
5 **to prescribe or dispense abuse-deterrent opioid analgesic drug pro-**
6 **ducts.**

7 **SECTION 3.** ORS 750.055, as amended by section 5, chapter 25, Oregon
8 Laws 2014, and section 80, chapter 45, Oregon Laws 2014, is amended to read:

9 750.055. (1) The following provisions of the Insurance Code apply to
10 health care service contractors to the extent not inconsistent with the ex-
11 press provisions of ORS 750.005 to 750.095:

12 (a) ORS 705.137, 705.139, 731.004 to 731.150, 731.162, 731.216 to 731.362,
13 731.382, 731.385, 731.386, 731.390, 731.398 to 731.430, 731.428, 731.450, 731.454,
14 731.488, 731.504, 731.508, 731.509, 731.510, 731.511, 731.512, 731.574 to 731.620,
15 731.592, 731.594, 731.640 to 731.652, 731.730, 731.731, 731.735, 731.737, 731.750,
16 731.752, 731.804, 731.844 to 731.992, 731.870 and 743.061.

17 (b) ORS 732.215, 732.220, 732.230, 732.245, 732.250, 732.320, 732.325 and
18 732.517 to 732.592, not including ORS 732.582.

19 (c) ORS 733.010 to 733.050, 733.080, 733.140 to 733.170, 733.210, 733.510 to
20 733.680 and 733.695 to 733.780.

21 (d) ORS chapter 734.

22 (e) ORS 742.001 to 742.009, 742.013, 742.061, 742.065, 742.150 to 742.162,
23 742.400, 742.520 to 742.540, 743.010, 743.013, 743.018 to 743.030, 743.050, 743.100
24 to 743.109, 743.402, 743.472, 743.492, 743.495, 743.498, 743.499, 743.522, 743.523,
25 743.524, 743.526, 743.527, 743.528, 743.529, 743.550 to 743.552, 743.560, 743.600
26 to 743.610, 743.650 to 743.656, 743.764, 743.804, 743.807, 743.808, 743.814 to
27 743.839, 743.845, 743.847, 743.854, 743.856, 743.857, 743.858, 743.859, 743.861,
28 743.862, 743.863, 743.864, 743.894, 743.911, 743.912, 743.913, 743.917, 743A.010,
29 743A.012, 743A.020, 743A.034, 743A.036, 743A.048, 743A.058, 743A.062,
30 743A.064, 743A.065, 743A.066, 743A.068, 743A.070, 743A.080, 743A.082,
31 743A.084, 743A.088, 743A.090, 743A.100, 743A.104, 743A.105, 743A.110,

1 743A.140, 743A.141, 743A.144, 743A.148, 743A.150, 743A.160, 743A.164,
2 743A.168, 743A.170, 743A.175, 743A.184, 743A.185, 743A.188, 743A.190, 743A.192
3 and 743A.250 and section 2, chapter 771, Oregon Laws 2013, and section 2,
4 chapter 25, Oregon Laws 2014, **and section 2 of this 2015 Act.**

5 (f) The provisions of ORS chapter 744 relating to the regulation of in-
6 surance producers.

7 (g) ORS 746.005 to 746.140, 746.160, 746.220 to 746.370, 746.600, 746.605,
8 746.607, 746.608, 746.610, 746.615, 746.625, 746.635, 746.650, 746.655, 746.660,
9 746.668, 746.670, 746.675, 746.680 and 746.690.

10 (h) ORS 743A.024, except in the case of group practice health maintenance
11 organizations that are federally qualified pursuant to Title XIII of the Public
12 Health Service Act unless the patient is referred by a physician, physician
13 assistant or nurse practitioner associated with a group practice health
14 maintenance organization.

15 (i) ORS 735.600 to 735.650.

16 (j) ORS 743.680 to 743.689.

17 (k) ORS 744.700 to 744.740.

18 (L) ORS 743.730 to 743.773.

19 (m) ORS 731.485, except in the case of a group practice health mainte-
20 nance organization that is federally qualified pursuant to Title XIII of the
21 Public Health Service Act and that wholly owns and operates an in-house
22 drug outlet.

23 (2) For the purposes of this section, health care service contractors shall
24 be deemed insurers.

25 (3) Any for-profit health care service contractor organized under the laws
26 of any other state that is not governed by the insurance laws of the other
27 state is subject to all requirements of ORS chapter 732.

28 (4) The Director of the Department of Consumer and Business Services
29 may, after notice and hearing, adopt reasonable rules not inconsistent with
30 this section and ORS 750.003, 750.005, 750.025 and 750.045 that are deemed
31 necessary for the proper administration of these provisions.

1 **SECTION 4.** ORS 750.055, as amended by section 33, chapter 698, Oregon
2 Laws 2013, section 6, chapter 25, Oregon Laws 2014, and section 81, chapter
3 45, Oregon Laws 2014, is amended to read:

4 750.055. (1) The following provisions of the Insurance Code apply to
5 health care service contractors to the extent not inconsistent with the ex-
6 press provisions of ORS 750.005 to 750.095:

7 (a) ORS 705.137, 705.139, 731.004 to 731.150, 731.162, 731.216 to 731.362,
8 731.382, 731.385, 731.386, 731.390, 731.398 to 731.430, 731.428, 731.450, 731.454,
9 731.488, 731.504, 731.508, 731.509, 731.510, 731.511, 731.512, 731.574 to 731.620,
10 731.592, 731.594, 731.640 to 731.652, 731.730, 731.731, 731.735, 731.737, 731.750,
11 731.752, 731.804, 731.844 to 731.992, 731.870 and 743.061.

12 (b) ORS 732.215, 732.220, 732.230, 732.245, 732.250, 732.320, 732.325 and
13 732.517 to 732.592, not including ORS 732.582.

14 (c) ORS 733.010 to 733.050, 733.080, 733.140 to 733.170, 733.210, 733.510 to
15 733.680 and 733.695 to 733.780.

16 (d) ORS chapter 734.

17 (e) ORS 742.001 to 742.009, 742.013, 742.061, 742.065, 742.150 to 742.162,
18 742.400, 742.520 to 742.540, 743.010, 743.013, 743.018 to 743.030, 743.050, 743.100
19 to 743.109, 743.402, 743.472, 743.492, 743.495, 743.498, 743.499, 743.522, 743.523,
20 743.524, 743.526, 743.527, 743.528, 743.529, 743.550, 743.552, 743.560, 743.600 to
21 743.610, 743.650 to 743.656, 743.764, 743.804, 743.807, 743.808, 743.814 to 743.839,
22 743.845, 743.847, 743.854, 743.856, 743.857, 743.858, 743.859, 743.861, 743.862,
23 743.863, 743.864, 743.894, 743.911, 743.912, 743.913, 743.917, 743A.010, 743A.012,
24 743A.020, 743A.034, 743A.036, 743A.048, 743A.058, 743A.062, 743A.064,
25 743A.065, 743A.066, 743A.068, 743A.070, 743A.080, 743A.082, 743A.084,
26 743A.088, 743A.090, 743A.100, 743A.104, 743A.105, 743A.110, 743A.140,
27 743A.141, 743A.144, 743A.148, 743A.150, 743A.160, 743A.164, 743A.168,
28 743A.170, 743A.175, 743A.184, 743A.185, 743A.188, 743A.190, 743A.192 and
29 743A.250 and section 2, chapter 771, Oregon Laws 2013, and section 2, chapter
30 25, Oregon Laws 2014, **and section 2 of this 2015 Act.**

31 (f) The provisions of ORS chapter 744 relating to the regulation of in-

1 surance producers.

2 (g) ORS 746.005 to 746.140, 746.160, 746.220 to 746.370, 746.600, 746.605,
3 746.607, 746.608, 746.610, 746.615, 746.625, 746.635, 746.650, 746.655, 746.660,
4 746.668, 746.670, 746.675, 746.680 and 746.690.

5 (h) ORS 743A.024, except in the case of group practice health maintenance
6 organizations that are federally qualified pursuant to Title XIII of the Public
7 Health Service Act unless the patient is referred by a physician, physician
8 assistant or nurse practitioner associated with a group practice health
9 maintenance organization.

10 (i) ORS 743.680 to 743.689.

11 (j) ORS 744.700 to 744.740.

12 (k) ORS 743.730 to 743.773.

13 (L) ORS 731.485, except in the case of a group practice health mainte-
14 nance organization that is federally qualified pursuant to Title XIII of the
15 Public Health Service Act and that wholly owns and operates an in-house
16 drug outlet.

17 (2) For the purposes of this section, health care service contractors shall
18 be deemed insurers.

19 (3) Any for-profit health care service contractor organized under the laws
20 of any other state that is not governed by the insurance laws of the other
21 state is subject to all requirements of ORS chapter 732.

22 (4) The Director of the Department of Consumer and Business Services
23 may, after notice and hearing, adopt reasonable rules not inconsistent with
24 this section and ORS 750.003, 750.005, 750.025 and 750.045 that are deemed
25 necessary for the proper administration of these provisions.

26 **SECTION 5.** ORS 750.055, as amended by section 33, chapter 698, Oregon
27 Laws 2013, section 21, chapter 771, Oregon Laws 2013, section 7, chapter 25,
28 Oregon Laws 2014, and section 82, chapter 45, Oregon Laws 2014, is amended
29 to read:

30 750.055. (1) The following provisions of the Insurance Code apply to
31 health care service contractors to the extent not inconsistent with the ex-

1 press provisions of ORS 750.005 to 750.095:

2 (a) ORS 705.137, 705.139, 731.004 to 731.150, 731.162, 731.216 to 731.362,
3 731.382, 731.385, 731.386, 731.390, 731.398 to 731.430, 731.428, 731.450, 731.454,
4 731.488, 731.504, 731.508, 731.509, 731.510, 731.511, 731.512, 731.574 to 731.620,
5 731.592, 731.594, 731.640 to 731.652, 731.730, 731.731, 731.735, 731.737, 731.750,
6 731.752, 731.804, 731.844 to 731.992, 731.870 and 743.061.

7 (b) ORS 732.215, 732.220, 732.230, 732.245, 732.250, 732.320, 732.325 and
8 732.517 to 732.592, not including ORS 732.582.

9 (c) ORS 733.010 to 733.050, 733.080, 733.140 to 733.170, 733.210, 733.510 to
10 733.680 and 733.695 to 733.780.

11 (d) ORS chapter 734.

12 (e) ORS 742.001 to 742.009, 742.013, 742.061, 742.065, 742.150 to 742.162,
13 742.400, 742.520 to 742.540, 743.010, 743.013, 743.018 to 743.030, 743.050, 743.100
14 to 743.109, 743.402, 743.472, 743.492, 743.495, 743.498, 743.499, 743.522, 743.523,
15 743.524, 743.526, 743.527, 743.528, 743.529, 743.550, 743.552, 743.560, 743.600 to
16 743.610, 743.650 to 743.656, 743.764, 743.804, 743.807, 743.808, 743.814 to 743.839,
17 743.845, 743.847, 743.854, 743.856, 743.857, 743.858, 743.859, 743.861, 743.862,
18 743.863, 743.864, 743.894, 743.911, 743.912, 743.913, 743.917, 743A.010, 743A.012,
19 743A.020, 743A.034, 743A.036, 743A.048, 743A.058, 743A.062, 743A.064,
20 743A.065, 743A.066, 743A.068, 743A.070, 743A.080, 743A.082, 743A.084,
21 743A.088, 743A.090, 743A.100, 743A.104, 743A.105, 743A.110, 743A.140,
22 743A.141, 743A.144, 743A.148, 743A.150, 743A.160, 743A.164, 743A.168,
23 743A.170, 743A.175, 743A.184, 743A.185, 743A.188, 743A.190, 743A.192 and
24 743A.250 and section 2, chapter 25, Oregon Laws 2014, **and section 2 of this**
25 **2015 Act.**

26 (f) The provisions of ORS chapter 744 relating to the regulation of in-
27 surance producers.

28 (g) ORS 746.005 to 746.140, 746.160, 746.220 to 746.370, 746.600, 746.605,
29 746.607, 746.608, 746.610, 746.615, 746.625, 746.635, 746.650, 746.655, 746.660,
30 746.668, 746.670, 746.675, 746.680 and 746.690.

31 (h) ORS 743A.024, except in the case of group practice health maintenance

1 organizations that are federally qualified pursuant to Title XIII of the Public
2 Health Service Act unless the patient is referred by a physician, physician
3 assistant or nurse practitioner associated with a group practice health
4 maintenance organization.

5 (i) ORS 743.680 to 743.689.

6 (j) ORS 744.700 to 744.740.

7 (k) ORS 743.730 to 743.773.

8 (L) ORS 731.485, except in the case of a group practice health mainte-
9 nance organization that is federally qualified pursuant to Title XIII of the
10 Public Health Service Act and that wholly owns and operates an in-house
11 drug outlet.

12 (2) For the purposes of this section, health care service contractors shall
13 be deemed insurers.

14 (3) Any for-profit health care service contractor organized under the laws
15 of any other state that is not governed by the insurance laws of the other
16 state is subject to all requirements of ORS chapter 732.

17 (4) The Director of the Department of Consumer and Business Services
18 may, after notice and hearing, adopt reasonable rules not inconsistent with
19 this section and ORS 750.003, 750.005, 750.025 and 750.045 that are deemed
20 necessary for the proper administration of these provisions.

21 **SECTION 6.** ORS 750.333, as amended by section 8, chapter 25, Oregon
22 Laws 2014, is amended to read:

23 750.333. (1) The following provisions of the Insurance Code apply to trusts
24 carrying out a multiple employer welfare arrangement:

25 (a) ORS 731.004 to 731.150, 731.162, 731.216 to 731.268, 731.296 to 731.316,
26 731.324, 731.328, 731.378, 731.386, 731.390, 731.398, 731.406, 731.410, 731.414,
27 731.418 to 731.434, 731.454, 731.484, 731.486, 731.488, 731.512, 731.574 to 731.620,
28 731.640 to 731.652, 731.804 to 731.992 and 743.061.

29 (b) ORS 733.010 to 733.050, 733.140 to 733.170, 733.210, 733.510 to 733.680
30 and 733.695 to 733.780.

31 (c) ORS chapter 734.

1 (d) ORS 742.001 to 742.009, 742.013, 742.061 and 742.400.

2 (e) ORS 743.028, 743.053, 743.499, 743.524, 743.526, 743.527, 743.528, 743.529,
3 743.530, 743.560, 743.562, 743.600, 743.601, 743.602, 743.610, 743.730 to 743.773
4 (except 743.766 to 743.773), 743.801, 743.804, 743.807, 743.808, 743.814 to 743.839,
5 743.845, 743.847, 743.854, 743.856, 743.857, 743.858, 743.859, 743.861, 743.862,
6 743.863, 743.864, 743.894, 743.912, 743.917, 743A.012, 743A.020, 743A.034,
7 743A.052, 743A.064, 743A.065, 743A.080, 743A.082, 743A.100, 743A.104,
8 743A.110, 743A.144, 743A.150, 743A.170, 743A.175, 743A.184, 743A.192 and
9 743A.250 and section 2, chapter 25, Oregon Laws 2014, **and section 2 of this**
10 **2015 Act.**

11 (f) ORS 743A.010, 743A.014, 743A.024, 743A.028, 743A.032, 743A.036,
12 743A.040, 743A.048, 743A.058, 743A.066, 743A.068, 743A.070, 743A.084,
13 743A.088, 743A.090, 743A.105, 743A.140, 743A.141, 743A.148, 743A.168,
14 743A.180, 743A.185, 743A.188 and 743A.190. Multiple employer welfare ar-
15 rangements to which ORS 743.730 to 743.773 apply are subject to the sections
16 referred to in this paragraph only as provided in ORS 743.730 to 743.773.

17 (g) Provisions of ORS chapter 744 relating to the regulation of insurance
18 producers and insurance consultants, and ORS 744.700 to 744.740.

19 (h) ORS 746.005 to 746.140, 746.160 and 746.220 to 746.370.

20 (i) ORS 731.592 and 731.594.

21 (j) ORS 731.870.

22 (2) For the purposes of this section:

23 (a) A trust carrying out a multiple employer welfare arrangement shall
24 be considered an insurer.

25 (b) References to certificates of authority shall be considered references
26 to certificates of multiple employer welfare arrangement.

27 (c) Contributions shall be considered premiums.

28 (3) The provision of health benefits under ORS 750.301 to 750.341 shall be
29 considered to be the transaction of health insurance.

30 **SECTION 7. Section 2 of this 2015 Act applies to health benefit plans**
31 **issued, extended or renewed on or after the effective date of this 2015**

1 **Act.**

2
