

HOUSE BILL 1212

C3

7lr3272

By: ~~Delegate Frick~~ Delegates Frick, Pendergrass, Bromwell, Angel, Cullison, Hayes, Hill, Kelly, Kipke, Krebs, McDonough, Metzgar, Miele, Morales, Morgan, Pena-Melnyk, Platt, Rosenberg, Saab, Sample-Hughes, Szeliga, West, and K. Young

Introduced and read first time: February 9, 2017

Assigned to: Health and Government Operations

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 15, 2017

CHAPTER _____

1 AN ACT concerning

2 **Health Insurance – Prior Authorization for Opioid Antagonists – ~~Prohibition~~**
3 **Authorization**

4 FOR the purpose of ~~prohibiting~~ authorizing certain insurers, nonprofit health service plans,
5 and health maintenance organizations ~~from applying a preauthorization to apply a~~
6 prior authorization requirement for opioid antagonist drug products only under
7 certain circumstances; providing for the application of this Act; providing for a
8 delayed effective date; and generally relating to health insurance coverage for opioid
9 antagonist drug products.

10 BY adding to
11 Article – Insurance
12 Section 15–850
13 Annotated Code of Maryland
14 (2011 Replacement Volume and 2016 Supplement)

15 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
16 That the Laws of Maryland read as follows:

17 **Article – Insurance**

18 **15–850.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



(A) IN THIS SECTION, "OPIOID ANTAGONIST" MEANS:

(1) NALOXONE HYDROCHLORIDE; OR

(2) ANY OTHER SIMILARLY ACTING AND EQUALLY SAFE DRUG APPROVED BY THE FEDERAL FOOD AND DRUG ADMINISTRATION FOR THE TREATMENT OF A DRUG OVERDOSE.

(B) (1) THIS SECTION APPLIES TO:

(I) INSURERS AND NONPROFIT HEALTH SERVICE PLANS THAT PROVIDE COVERAGE FOR PRESCRIPTION DRUGS UNDER INDIVIDUAL, GROUP, OR BLANKET HEALTH INSURANCE POLICIES OR CONTRACTS THAT ARE ISSUED OR DELIVERED IN THE STATE; AND

(II) HEALTH MAINTENANCE ORGANIZATIONS THAT PROVIDE COVERAGE FOR PRESCRIPTION DRUGS UNDER GROUP CONTRACTS THAT ARE ISSUED OR DELIVERED IN THE STATE.

(2) AN INSURER, A NONPROFIT HEALTH SERVICE PLAN, OR A HEALTH MAINTENANCE ORGANIZATION THAT PROVIDES COVERAGE FOR PRESCRIPTION DRUGS THROUGH A PHARMACY BENEFITS MANAGER IS SUBJECT TO THE REQUIREMENTS OF THIS SECTION.

(C) AN ENTITY SUBJECT TO THIS SECTION THAT INCLUDES ON ITS FORMULARY AN OPIOID ANTAGONIST MAY ~~NOT APPLY A PRIOR AUTHORIZATION REQUIREMENT FOR THE OPIOID ANTAGONIST~~ ONLY APPLY A PRIOR AUTHORIZATION REQUIREMENT FOR AN OPIOID ANTAGONIST IF THE ENTITY PROVIDES COVERAGE FOR AT LEAST ONE FORMULATION OF THE OPIOID ANTAGONIST WITHOUT A PRIOR AUTHORIZATION REQUIREMENT.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to all policies, contracts, and health benefit plans issued, delivered, or renewed in the State on or after January 1, 2018.

SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect January 1, 2018.