

SENATE, No. 1313

STATE OF NEW JERSEY
217th LEGISLATURE

INTRODUCED FEBRUARY 8, 2016

Sponsored by:

Senator JOSEPH F. VITALE

District 19 (Middlesex)

SYNOPSIS

Mandates health benefits coverage for opioid analgesics with abuse-deterrent properties.

CURRENT VERSION OF TEXT

As introduced.



S1313 VITALE

2

1 AN ACT concerning health benefits coverage for opioid analgesics
2 with abuse-deterrent properties and supplementing various parts
3 of the statutory law.

4
5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7
8 1. a. A hospital service corporation contract that provides
9 hospital or medical expense benefits and is delivered, issued,
10 executed or renewed in this State, or approved for issuance or
11 renewal in this State by the Commissioner of Banking and
12 Insurance, on or after the effective date of this act, shall provide
13 coverage on its formulary, drug list, or other lists of similar
14 construct for at least one prescribed abuse-deterrent opioid
15 analgesic drug product per opioid analgesic active ingredient,
16 subject to the following requirements:

17 (1) Cost sharing for brand name abuse-deterrent opioid
18 analgesic drug products covered pursuant to this subsection shall
19 not exceed the lowest cost sharing level applied to brand name
20 non-abuse deterrent opioid drugs covered under the applicable
21 contract;

22 (2) Cost sharing for generic abuse deterrent opioid analgesic
23 drug products covered pursuant to this subsection shall not exceed
24 the lowest cost sharing level applied to generic non-abuse deterrent
25 opioid drugs covered under the applicable contract;

26 (3) An increase in patient cost sharing or disincentives for a
27 prescriber or dispenser shall not be allowed to achieve compliance
28 with this section; and

29 (4) Any prior authorization requirements or other utilization
30 review measures for opioid analgesic drugs, and any service denials
31 made pursuant thereto, shall not require first use of non-abuse-
32 deterrent opioid analgesic drugs in order to access opioid analgesic
33 drugs with abuse-deterrent properties. Nothing in this subsection
34 shall be construed to prevent the application of prior authorization
35 requirements to abuse-deterrent opioid analgesic drugs, provided
36 that those requirements are also applied to non-abuse-deterrent
37 versions of that opioid.

38 b. The provisions of this section shall apply to all hospital
39 service corporation contracts in which the hospital service
40 corporation has reserved the right to change the premium.

41 c. As used in this section:

42 “Abuse-deterrent opioid analgesic drug” means a brand or
43 generic opioid analgesic drug approved by the United States Food
44 and Drug Administration with abuse-deterrence labeling claims
45 indicating its abuse-deterrent properties are expected to deter or
46 reduce its abuse.

1 “Cost sharing” means any coverage limit, copayment,
2 coinsurance, deductible, or other out-of-pocket expense
3 requirements.

4 “Opioid analgesic drug” means a drug in the opioid analgesic
5 drug class prescribed to treat moderate to severe pain or other
6 conditions, whether in immediate release or extended release form,
7 and whether or not combined with other drug substances to form a
8 single drug product or other dosage form.

9
10 2. a. A medical service corporation contract that provides
11 hospital or medical expense benefits and is delivered, issued,
12 executed or renewed in this State, or approved for issuance or
13 renewal in this State by the Commissioner of Banking and
14 Insurance, on or after the effective date of this act, shall provide
15 coverage on its formulary, drug list, or other lists of similar
16 construct for at least one prescribed abuse-deterrent opioid
17 analgesic drug product per opioid analgesic active ingredient,
18 subject to the following requirements:

19 (1) Cost sharing for brand name abuse-deterrent opioid
20 analgesic drug products covered pursuant to this subsection shall
21 not exceed the lowest cost sharing level applied to brand name non-
22 abuse deterrent opioid drugs covered under the applicable contract;

23 (2) Cost sharing for generic abuse deterrent opioid analgesic
24 drug products covered pursuant to this subsection shall not exceed
25 the lowest cost sharing level applied to generic non-abuse deterrent
26 opioid drugs covered under the applicable contract;

27 (3) An increase in patient cost sharing or disincentives for a
28 prescriber or dispenser shall not be allowed to achieve compliance
29 with this section; and

30 (4) Any prior authorization requirements or other utilization
31 review measures for opioid analgesic drugs, and any service denials
32 made pursuant thereto, shall not require first use of non-abuse-
33 deterrent opioid analgesic drugs in order to access opioid analgesic
34 drugs with abuse-deterrent properties. Nothing in this subsection
35 shall be construed to prevent the application of prior authorization
36 requirements to abuse-deterrent opioid analgesic drugs, provided
37 that those requirements are also applied to non-abuse-deterrent
38 versions of that opioid.

39 b. The provisions of this section shall apply to all medical
40 service corporation contracts in which the medical service
41 corporation has reserved the right to change the premium.

42 c. As used in this section:

43 “Abuse-deterrent opioid analgesic drug” means a brand or
44 generic opioid analgesic drug approved by the United States Food
45 and Drug Administration with abuse-deterrence labeling claims
46 indicating its abuse-deterrent properties are expected to deter or
47 reduce its abuse.

S1313 VITALE

1 “Cost sharing” means any coverage limit, copayment,
2 coinsurance, deductible, or other out-of-pocket expense
3 requirements.

4 “Opioid analgesic drug” means a drug in the opioid analgesic
5 drug class prescribed to treat moderate to severe pain or other
6 conditions, whether in immediate release or extended release form,
7 and whether or not combined with other drug substances to form a
8 single drug product or other dosage form.

9
10 3. a. A health service corporation contract that provides
11 hospital or medical expense benefits and is delivered, issued,
12 executed or renewed in this State, or approved for issuance or
13 renewal in this State by the Commissioner of Banking and
14 Insurance, on or after the effective date of this act shall provide
15 coverage on its formulary, drug list, or other lists of similar
16 construct for at least one prescribed abuse-deterrent opioid
17 analgesic drug product per opioid analgesic active ingredient,
18 subject to the following requirements:

19 (1) Cost sharing for brand name abuse-deterrent opioid
20 analgesic drug products covered pursuant to this subsection shall
21 not exceed the lowest cost sharing level applied to brand name non-
22 abuse deterrent opioid drugs covered under the applicable contract;

23 (2) Cost sharing for generic abuse deterrent opioid analgesic
24 drug products covered pursuant to this subsection shall not exceed
25 the lowest cost sharing level applied to generic non-abuse deterrent
26 opioid drugs covered under the applicable contract;

27 (3) An increase in patient cost sharing or disincentives for a
28 prescriber or dispenser shall not be allowed to achieve compliance
29 with this section; and

30 (4) Any prior authorization requirements or other utilization
31 review measures for opioid analgesic drugs, and any service denials
32 made pursuant thereto, shall not require first use of non-abuse-
33 deterrent opioid analgesic drugs in order to access opioid analgesic
34 drugs with abuse-deterrent properties. Nothing in this subsection
35 shall be construed to prevent the application of prior authorization
36 requirements to abuse-deterrent opioid analgesic drugs, provided
37 that those requirements are also applied to non-abuse-deterrent
38 versions of that opioid.

39 b. The provisions of this section shall apply to all health
40 service corporation contracts in which the health service
41 corporation has reserved the right to change the premium.

42 c. As used in this section:

43 “Abuse-deterrent opioid analgesic drug” means a brand or
44 generic opioid analgesic drug approved by the United States Food
45 and Drug Administration with abuse-deterrence labeling claims
46 indicating its abuse-deterrent properties are expected to deter or
47 reduce its abuse.

1 “Cost sharing” means any coverage limit, copayment,
2 coinsurance, deductible, or other out-of-pocket expense
3 requirements.

4 “Opioid analgesic drug” means a drug in the opioid analgesic
5 drug class prescribed to treat moderate to severe pain or other
6 conditions, whether in immediate release or extended release form,
7 and whether or not combined with other drug substances to form a
8 single drug product or other dosage form.

9
10 4. a. An individual health insurance policy that provides
11 hospital or medical expense benefits and is delivered, issued,
12 executed or renewed in this State, or approved for issuance or
13 renewal in this State by the Commissioner of Banking and
14 Insurance, on or after the effective date of this act, shall provide
15 coverage on its formulary, drug list, or other lists of similar
16 construct for at least one prescribed abuse-deterrent opioid
17 analgesic drug product per opioid analgesic active ingredient,
18 subject to the following requirements:

19 (1) Cost sharing for brand name abuse-deterrent opioid
20 analgesic drug products covered pursuant to this subsection shall
21 not exceed the lowest cost sharing level applied to brand name non-
22 abuse deterrent opioid drugs covered under the applicable contract;

23 (2) Cost sharing for generic abuse deterrent opioid analgesic
24 drug products covered pursuant to this subsection shall not exceed
25 the lowest cost sharing level applied to generic non-abuse deterrent
26 opioid drugs covered under the applicable contract;

27 (3) An increase in patient cost sharing or disincentives for a
28 prescriber or dispenser shall not be allowed to achieve compliance
29 with this section; and

30 (4) Any prior authorization requirements or other utilization
31 review measures for opioid analgesic drugs, and any service denials
32 made pursuant thereto, shall not require first use of non-abuse-
33 deterrent opioid analgesic drugs in order to access opioid analgesic
34 drugs with abuse-deterrent properties. Nothing in this subsection
35 shall be construed to prevent the application of prior authorization
36 requirements to abuse-deterrent opioid analgesic drugs, provided
37 that those requirements are also applied to non-abuse-deterrent
38 versions of that opioid.

39 b. The provisions of this section shall apply to those policies in
40 which the insurer has reserved the right to change the premium.

41 c. As used in this section:

42 “Abuse-deterrent opioid analgesic drug” means a brand or
43 generic opioid analgesic drug approved by the United States Food
44 and Drug Administration with abuse-deterrence labeling claims
45 indicating its abuse-deterrent properties are expected to deter or
46 reduce its abuse.

1 “Cost sharing” means any coverage limit, copayment,
2 coinsurance, deductible, or other out-of-pocket expense
3 requirements.

4 “Opioid analgesic drug” means a drug in the opioid analgesic
5 drug class prescribed to treat moderate to severe pain or other
6 conditions, whether in immediate release or extended release form,
7 and whether or not combined with other drug substances to form a
8 single drug product or other dosage form.

9
10 5. a. A group health insurance policy that provides hospital or
11 medical expense benefits and is delivered, issued, executed or
12 renewed in this State, or approved for issuance or renewal in this
13 State by the Commissioner of Banking and Insurance, on or after
14 the effective date of this act, shall provide coverage on its
15 formulary, drug list, or other lists of similar construct for at least
16 one prescribed abuse-deterrent opioid analgesic drug product per
17 opioid analgesic active ingredient, subject to the following
18 requirements:

19 (1) Cost sharing for brand name abuse-deterrent opioid
20 analgesic drug products covered pursuant to this subsection shall
21 not exceed the lowest cost sharing level applied to brand name non-
22 abuse deterrent opioid drugs covered under the applicable contract;

23 (2) Cost sharing for generic abuse deterrent opioid analgesic
24 drug products covered pursuant to this subsection shall not exceed
25 the lowest cost sharing level applied to generic non-abuse deterrent
26 opioid drugs covered under the applicable contract;

27 (3) An increase in patient cost sharing or disincentives for a
28 prescriber or dispenser shall not be allowed to achieve compliance
29 with this section; and

30 (4) Any prior authorization requirements or other utilization
31 review measures for opioid analgesic drugs, and any service denials
32 made pursuant thereto, shall not require first use of non-abuse-
33 deterrent opioid analgesic drugs in order to access opioid analgesic
34 drugs with abuse-deterrent properties. Nothing in this subsection
35 shall be construed to prevent the application of prior authorization
36 requirements to abuse-deterrent opioid analgesic drugs, provided
37 that those requirements are also applied to non-abuse-deterrent
38 versions of that opioid.

39 b. The provisions of this section shall apply to those policies in
40 which the insurer has reserved the right to change the premium.

41 c. As used in this section:

42 “Abuse-deterrent opioid analgesic drug” means a brand or
43 generic opioid analgesic drug approved by the United States Food
44 and Drug Administration with abuse-deterrence labeling claims
45 indicating its abuse-deterrent properties are expected to deter or
46 reduce its abuse.

1 “Cost sharing” means any coverage limit, copayment,
2 coinsurance, deductible, or other out-of-pocket expense
3 requirements.

4 “Opioid analgesic drug” means a drug in the opioid analgesic
5 drug class prescribed to treat moderate to severe pain or other
6 conditions, whether in immediate release or extended release form,
7 and whether or not combined with other drug substances to form a
8 single drug product or other dosage form.

9
10 6. a. An individual health benefits plan that provides hospital
11 or medical expense benefits and is delivered, issued, executed or
12 renewed in this State, or approved for issuance or renewal in this
13 State by the Commissioner of Banking and Insurance, on or after
14 the effective date of this act, shall provide coverage on its
15 formulary, drug list, or other lists of similar construct for at least
16 one prescribed abuse-deterrent opioid analgesic drug product per
17 opioid analgesic active ingredient, subject to the following
18 requirements:

19 (1) Cost sharing for brand name abuse-deterrent opioid
20 analgesic drug products covered pursuant to this subsection shall
21 not exceed the lowest cost sharing level applied to brand name non-
22 abuse deterrent opioid drugs covered under the applicable contract;

23 (2) Cost sharing for generic abuse deterrent opioid analgesic
24 drug products covered pursuant to this subsection shall not exceed
25 the lowest cost sharing level applied to generic non-abuse deterrent
26 opioid drugs covered under the applicable contract;

27 (3) An increase in patient cost sharing or disincentives for a
28 prescriber or dispenser shall not be allowed to achieve compliance
29 with this section; and

30 (4) Any prior authorization requirements or other utilization
31 review measures for opioid analgesic drugs, and any service denials
32 made pursuant thereto, shall not require first use of non-abuse-
33 deterrent opioid analgesic drugs in order to access opioid analgesic
34 drugs with abuse-deterrent properties. Nothing in this subsection
35 shall be construed to prevent the application of prior authorization
36 requirements to abuse-deterrent opioid analgesic drugs, provided
37 that those requirements are also applied to non-abuse-deterrent
38 versions of that opioid.

39 b. The provisions of this section shall apply to all individual
40 health benefits plans in which the carrier has reserved the right to
41 change the premium.

42 c. As used in this section:

43 “Abuse-deterrent opioid analgesic drug” means a brand or
44 generic opioid analgesic drug approved by the United States Food
45 and Drug Administration with abuse-deterrence labeling claims
46 indicating its abuse-deterrent properties are expected to deter or
47 reduce its abuse.

1 “Cost sharing” means any coverage limit, copayment,
2 coinsurance, deductible, or other out-of-pocket expense
3 requirements.

4 “Opioid analgesic drug” means a drug in the opioid analgesic
5 drug class prescribed to treat moderate to severe pain or other
6 conditions, whether in immediate release or extended release form,
7 and whether or not combined with other drug substances to form a
8 single drug product or other dosage form.

9
10 7. a. A small employer health benefits plan that provides
11 hospital or medical expense benefits and is delivered, issued,
12 executed or renewed in this State, or approved for issuance or
13 renewal in this State by the Commissioner of Banking and
14 Insurance, on or after the effective date of this act, shall provide
15 coverage on its formulary, drug list, or other lists of similar
16 construct for at least one prescribed abuse-deterrent opioid
17 analgesic drug product per opioid analgesic active ingredient,
18 subject to the following requirements:

19 (1) Cost sharing for brand name abuse-deterrent opioid
20 analgesic drug products covered pursuant to this subsection shall
21 not exceed the lowest cost sharing level applied to brand name non-
22 abuse deterrent opioid drugs covered under the applicable contract;

23 (2) Cost sharing for generic abuse deterrent opioid analgesic
24 drug products covered pursuant to this subsection shall not exceed
25 the lowest cost sharing level applied to generic non-abuse deterrent
26 opioid drugs covered under the applicable contract;

27 (3) An increase in patient cost sharing or disincentives for a
28 prescriber or dispenser shall not be allowed to achieve compliance
29 with this section; and

30 (4) Any prior authorization requirements or other utilization
31 review measures for opioid analgesic drugs, and any service denials
32 made pursuant thereto, shall not require first use of non-abuse-
33 deterrent opioid analgesic drugs in order to access opioid analgesic
34 drugs with abuse-deterrent properties. Nothing in this subsection
35 shall be construed to prevent the application of prior authorization
36 requirements to abuse-deterrent opioid analgesic drugs, provided
37 that those requirements are also applied to non-abuse-deterrent
38 versions of that opioid.

39 b. The provisions of this section shall apply to all small
40 employer health benefits plans in which the carrier has reserved the
41 right to change the premium.

42 c. As used in this section:

43 “Abuse-deterrent opioid analgesic drug” means a brand or
44 generic opioid analgesic drug approved by the United States Food
45 and Drug Administration with abuse-deterrence labeling claims
46 indicating its abuse-deterrent properties are expected to deter or
47 reduce its abuse.

1 “Cost sharing” means any coverage limit, copayment,
2 coinsurance, deductible, or other out-of-pocket expense
3 requirements.

4 “Opioid analgesic drug” means a drug in the opioid analgesic
5 drug class prescribed to treat moderate to severe pain or other
6 conditions, whether in immediate release or extended release form,
7 and whether or not combined with other drug substances to form a
8 single drug product or other dosage form.

9
10 8. a. A health maintenance organization contract that provides
11 hospital or medical expense benefits and is delivered, issued,
12 executed or renewed in this State, or approved for issuance or
13 renewal in this State by the Commissioner of Banking and
14 Insurance, on or after the effective date of this act, shall provide
15 coverage on its formulary, drug list, or other lists of similar
16 construct for at least one prescribed abuse-deterrent opioid
17 analgesic drug product per opioid analgesic active ingredient,
18 subject to the following requirements:

19 (1) Cost sharing for brand name abuse-deterrent opioid
20 analgesic drug products covered pursuant to this subsection shall
21 not exceed the lowest cost sharing level applied to brand name non-
22 abuse deterrent opioid drugs covered under the applicable contract;

23 (2) Cost sharing for generic abuse deterrent opioid analgesic
24 drug products covered pursuant to this subsection shall not exceed
25 the lowest cost sharing level applied to generic non-abuse deterrent
26 opioid drugs covered under the applicable contract;

27 (3) An increase in patient cost sharing or disincentives for a
28 prescriber or dispenser shall not be allowed to achieve compliance
29 with this section; and

30 (4) Any prior authorization requirements or other utilization
31 review measures for opioid analgesic drugs, and any service denials
32 made pursuant thereto, shall not require first use of non-abuse-
33 deterrent opioid analgesic drugs in order to access opioid analgesic
34 drugs with abuse-deterrent properties. Nothing in this subsection
35 shall be construed to prevent the application of prior authorization
36 requirements to abuse-deterrent opioid analgesic drugs, provided
37 that those requirements are also applied to non-abuse-deterrent
38 versions of that opioid.

39 b. The provisions of this section shall apply to those contracts
40 by health maintenance organizations in which the health
41 maintenance organization has reserved the right to change the
42 premium.

43 c. As used in this section:

44 “Abuse-deterrent opioid analgesic drug” means a brand or
45 generic opioid analgesic drug approved by the United States Food
46 and Drug Administration with abuse-deterrence labeling claims
47 indicating its abuse-deterrent properties are expected to deter or
48 reduce its abuse.

1 “Cost sharing” means any coverage limit, copayment,
2 coinsurance, deductible, or other out-of-pocket expense
3 requirements.

4 “Opioid analgesic drug” means a drug in the opioid analgesic
5 drug class prescribed to treat moderate to severe pain or other
6 conditions, whether in immediate release or extended release form,
7 and whether or not combined with other drug substances to form a
8 single drug product or other dosage form.

9
10 9. a. The State Health Benefits Commission shall ensure that
11 every contract purchased by the commission on or after the
12 effective date of this act that provides hospital or medical expense
13 benefits shall provide coverage on its formulary, drug list, or other
14 lists of similar construct for at least one prescribed abuse-deterrent
15 opioid analgesic drug product per opioid analgesic active
16 ingredient, subject to the following requirements:

17 (1) Cost sharing for brand name abuse-deterrent opioid
18 analgesic drug products covered pursuant to this subsection shall
19 not exceed the lowest cost sharing level applied to brand name non-
20 abuse deterrent opioid drugs covered under the applicable contract;

21 (2) Cost sharing for generic abuse deterrent opioid analgesic
22 drug products covered pursuant to this subsection shall not exceed
23 the lowest cost sharing level applied to generic non-abuse deterrent
24 opioid drugs covered under the applicable contract;

25 (3) An increase in patient cost sharing or disincentives for a
26 prescriber or dispenser shall not be allowed to achieve compliance
27 with this section; and

28 (4) Any prior authorization requirements or other utilization
29 review measures for opioid analgesic drugs, and any service denials
30 made pursuant thereto, shall not require first use of non-abuse-
31 deterrent opioid analgesic drugs in order to access opioid analgesic
32 drugs with abuse-deterrent properties. Nothing in this subsection
33 shall be construed to prevent the application of prior authorization
34 requirements to abuse-deterrent opioid analgesic drugs, provided
35 that those requirements are also applied to non-abuse-deterrent
36 versions of that opioid.

37 b. As used in this section:

38 “Abuse-deterrent opioid analgesic drug” means a brand or
39 generic opioid analgesic drug approved by the United States Food
40 and Drug Administration with abuse-deterrence labeling claims
41 indicating its abuse-deterrent properties are expected to deter or
42 reduce its abuse.

43 “Cost sharing” means any coverage limit, copayment,
44 coinsurance, deductible, or other out-of-pocket expense
45 requirements.

46 “Opioid analgesic drug” means a drug in the opioid analgesic
47 drug class prescribed to treat moderate to severe pain or other
48 conditions, whether in immediate release or extended release form,

1 and whether or not combined with other drug substances to form a
2 single drug product or other dosage form.

3

4 10. a. The School Employees' Health Benefits Commission
5 shall ensure that every contract purchased by the commission on or
6 after the effective date of this act that provides hospital or medical
7 expense benefits shall provide coverage on its formulary, drug list,
8 or other lists of similar construct for at least one prescribed abuse-
9 deterrent opioid analgesic drug product per opioid analgesic active
10 ingredient, subject to the following requirements:

11 (1) Cost sharing for brand name abuse-deterrent opioid
12 analgesic drug products covered pursuant to this subsection shall
13 not exceed the lowest cost sharing level applied to brand name
14 non-abuse deterrent opioid drugs covered under the applicable
15 contract;

16 (2) Cost sharing for generic abuse deterrent opioid analgesic
17 drug products covered pursuant to this subsection shall not exceed
18 the lowest cost sharing level applied to generic non-abuse deterrent
19 opioid drugs covered under the applicable contract;

20 (3) An increase in patient cost sharing or disincentives for a
21 prescriber or dispenser shall not be allowed to achieve compliance
22 with this section; and

23 (4) Any prior authorization requirements or other utilization
24 review measures for opioid analgesic drugs, and any service denials
25 made pursuant thereto, shall not require first use of non-abuse-
26 deterrent opioid analgesic drugs in order to access opioid analgesic
27 drugs with abuse-deterrent properties. Nothing in this subsection
28 shall be construed to prevent the application of prior authorization
29 requirements to abuse-deterrent opioid analgesic drugs, provided
30 that those requirements are also applied to non-abuse-deterrent
31 versions of that opioid.

32 b. As used in this section:

33 "Abuse-deterrent opioid analgesic drug" means a brand or
34 generic opioid analgesic drug approved by the United States Food
35 and Drug Administration with abuse-deterrence labeling claims
36 indicating its abuse-deterrent properties are expected to deter or
37 reduce its abuse.

38 "Cost sharing" means any coverage limit, copayment,
39 coinsurance, deductible, or other out-of-pocket expense
40 requirements.

41 "Opioid analgesic drug" means a drug in the opioid analgesic
42 drug class prescribed to treat moderate to severe pain or other
43 conditions, whether in immediate release or extended release form,
44 and whether or not combined with other drug substances to form a
45 single drug product or other dosage form.

46

47 11. This act shall take effect on the 90th day after enactment.

STATEMENT

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This bill requires health insurers to provide health benefits coverage for prescribed abuse-deterrent opioid analgesic drugs. Opioid analgesic drugs are drugs prescribed to treat moderate to severe pain or other conditions. Abuse-deterrent opioid analgesic drugs are a brand or generic opioid analgesic drug approved by the United States Food and Drug Administration with abuse-deterrence labeling claims indicating its abuse-deterrent properties are expected to deter or reduce its abuse.

The bill requires health insurers to provide coverage on the insurer’s formulary, drug list, or other lists of similar construct, for at least one prescribed abuse-deterrent opioid analgesic drug product per opioid analgesic active ingredient, subject to the following:

(1) Cost sharing for brand name abuse-deterrent opioid analgesic drug products shall not exceed the lowest cost sharing level applied to brand name non-abuse deterrent opioid drugs covered under the applicable contract;

(2) Cost sharing for generic abuse deterrent opioid analgesic drug products shall not exceed the lowest cost sharing level applied to generic non-abuse deterrent opioid drugs covered under the applicable contract;

(3) An increase in patient cost sharing or disincentives for a prescriber or dispenser shall not be allowed to achieve compliance with the bill’s provisions; and

(4) Any prior authorization requirements or other utilization review measures for opioid analgesic drugs, and any service denials made pursuant thereto, shall not require first use of non-abuse-deterrent opioid analgesic drugs to access opioid analgesic drugs with abuse-deterrent properties.

The bill applies to health, hospital and medical service corporations; commercial individual and group health insurers; health maintenance organizations; health benefits plans issued pursuant to the New Jersey Individual Health Coverage and Small Employer Health Benefits Programs; the State Health Benefits Program; and the School Employees’ Health Benefits Program.