

[First Reprint]

SENATE, No. 3800

STATE OF NEW JERSEY
219th LEGISLATURE

INTRODUCED MAY 20, 2021

Sponsored by:

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District 8 (Atlantic, Burlington and Camden)

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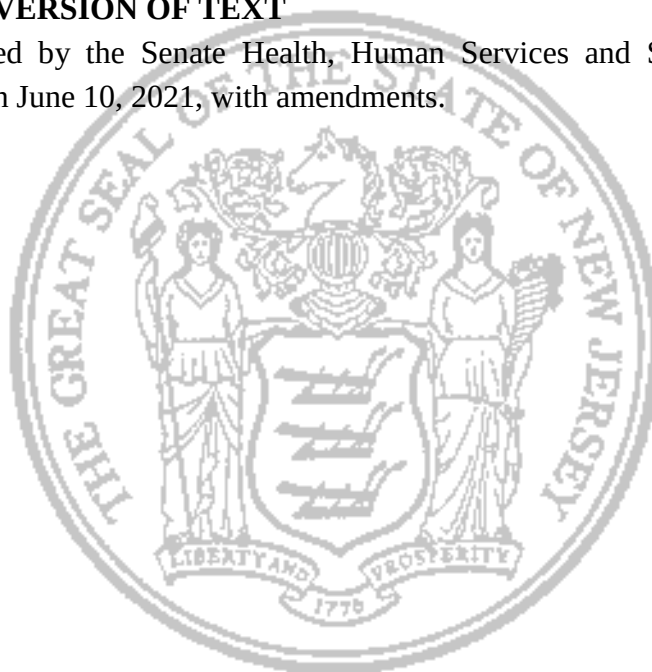
Senator Beach

SYNOPSIS

Requires certain health insurers, Medicaid, NJ FamilyCare, SHBP, and SEHBP to cover opioid antidote without imposing prior authorization requirements.

CURRENT VERSION OF TEXT

As reported by the Senate Health, Human Services and Senior Citizens Committee on June 10, 2021, with amendments.



(Sponsorship Updated As Of: 6/21/2021)

1 AN ACT concerning health benefits coverage of ¹**["naloxone"]** opioid
 2 antidotes¹ and supplementing various parts of the statutory law.

3
 4 **BE IT ENACTED** by the Senate and General Assembly of the State
 5 of New Jersey:

6
 7 1. a. A carrier shall ensure that every contract to provide
 8 prescription drug benefits, or to authorize the purchase of a contract
 9 to provide prescription drug benefits, shall provide coverage for
 10 ¹**["naloxone"]** an opioid antidote¹ to covered persons without the
 11 imposition of any prior authorization or other utilization
 12 management requirements, provided that the drug is:

13 (1) prescribed or administered to the covered person by a
 14 licensed medical practitioner who is authorized to prescribe or
 15 administer that treatment pursuant to State and federal law; or

16 (2) dispensed to the covered person by a licensed pharmacist
 17 under a standing order to dispense an opioid antidote pursuant ¹to
 18 section 1 of¹ P.L.2017, c.88 (C.45:14-67.2).

19 b. The provisions of this section shall not be construed to limit
 20 the coverage of ¹**["naloxone"]** an opioid antidote¹ only when
 21 administered by a medical practitioner.

22 c. As used in this section:

23 "Carrier" means an insurance company, health service
 24 corporation, hospital service corporation, medical service
 25 corporation, or health maintenance organization authorized to issue
 26 health benefits plans in this State.

27 ¹**["Naloxone"]** means a drug or device containing naloxone
 28 hydrochloride that is approved by the United States Food and Drug
 29 Administration for the treatment of an opioid overdose, either in the
 30 intramuscular or intranasal form and including a nasal atomizer if
 31 required to administer the drug **]** "Opioid antidote" means naloxone
 32 hydrochloride, or any other similarly acting drug approved by the
 33 United States Food and Drug Administration for self-administration
 34 for the treatment of an opioid overdose¹ .

35
 36 2. a. The Division of Medical Assistance and Health Services
 37 in the Department of Human Services shall provide coverage for
 38 ¹**["naloxone"]** an opioid antidote¹ under the Medicaid program and
 39 the NJ FamilyCare program without the imposition of any prior
 40 authorization or other utilization management requirements,
 41 provided that the drug is:

42 (1) prescribed or administered to an enrollee by a licensed
 43 medical practitioner who is authorized to prescribe or administer
 44 that treatment pursuant to State and federal law; or

EXPLANATION – Matter enclosed in bold-faced brackets **["thus"]** in the above bill is
 not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹Senate SHH committee amendments adopted June 10, 2021.

(2) dispensed to an enrollee by a licensed pharmacist under a standing order to dispense an opioid antidote pursuant ¹to section 1 of¹ P.L.2017, c.88 (C.45:14-67.2).

b. The provisions of this section shall not be construed to limit the coverage of ¹**["naloxone"] an opioid antidote¹** only when administered by a medical practitioner.

c. The division shall require each managed care organization contracted with the division to provide pharmacy benefits to Medicaid and NJ FamilyCare enrollees to comply with the provisions of this section.

d. The Commissioner of Human Services shall apply for such State plan amendments or waivers as may be necessary to implement the provisions of this section and to secure federal financial participation for State Medicaid expenditures under the federal Medicaid program.

e. As used in this section:

"Medicaid program" means the program established pursuant to P.L.1968, c.413 (C.30:4D-1 et seq.).

¹**["Naloxone" means a drug or device containing naloxone hydrochloride that is approved by the United States Food and Drug Administration for the treatment of an opioid overdose, either in the intramuscular or intranasal form and including a nasal atomizer if required to administer the drug]** "Opioid antidote" means naloxone hydrochloride, or any other similarly acting drug approved by the United States Food and Drug Administration for self-administration for the treatment of an opioid overdose¹.

"NJ FamilyCare program" means the program established pursuant to P.L.2005, c.156 (C.30:4J-8 et al.).

3. a. Notwithstanding any law or regulation to the contrary, the State Health Benefits Commission and the School Employees' Health Benefits Commission shall ensure that every contract under the State Health Benefits Program shall provide coverage for ¹**["naloxone"] an opioid antidote¹** to eligible members of the State Health Benefits Program and the School Employees' Health Benefits Program. The coverage shall be provided without the imposition of any prior authorization or other utilization management requirements, provided that the treatment is:

(1) prescribed or administered to the eligible member by a licensed medical practitioner who is authorized to prescribe or administer that treatment pursuant to State and federal law; or

(2) dispensed to the eligible member by a licensed pharmacist under a standing order to dispense an opioid antidote pursuant ¹to section 1 of¹ P.L.2017, c.88 (C.45:14-67.2).

b. The provisions of this section shall not be construed to limit the coverage of ¹**["naloxone"] an opioid antidote¹** only when administered by a medical practitioner.

1 c. Each commission shall develop and issue guidelines to
2 ensure the safety and efficacy of benefits provided pursuant to this
3 section.

4 d. As used in this section:

5 ¹["Naloxone" means a drug or device containing naloxone
6 hydrochloride that is approved by the United States Food and Drug
7 Administration for the treatment of an opioid overdose, either in the
8 intramuscular or intranasal form and including a nasal atomizer if
9 required to administer the drug] "Opioid antidote" means naloxone
10 hydrochloride, or any other similarly acting drug approved by the
11 United States Food and Drug Administration for self-administration
12 for the treatment of an opioid overdose¹ .

13

14 4. This act shall take effect immediately and apply to every
15 contract issued, renewed, or issued for renewal on or after that date,
16 notwithstanding any federal approval required under the Medicaid
17 and NJ FamilyCare programs pursuant to section 2 of this act.