

HOUSE BILL No. 1209

DIGEST OF INTRODUCED BILL

Citations Affected: IC 27-8-33; IC 27-13-7-21.

Synopsis: Coverage for tamper resistant opioids. Specifies requirements for coverage of tamper resistant opioids under a policy of accident and sickness insurance or a health maintenance organization contract.

Effective: July 1, 2011.

Davisson, Welch

January 10, 2011, read first time and referred to Committee on Insurance.

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First Regular Session 117th General Assembly (2011)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2010 Regular Session of the General Assembly.

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HOUSE BILL No. 1209



A BILL FOR AN ACT to amend the Indiana Code concerning insurance.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 27-8-33 IS ADDED TO THE INDIANA CODE AS
2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2011]:

4 **Chapter 33. Coverage for Tamper Resistant Opioids**
5 **Sec. 1. As used in this chapter, "policy of accident and sickness**
6 **insurance" has the meaning set forth in IC 27-8-5-1.**

7 **Sec. 2. As used in this chapter, "tamper resistant opioid" means**
8 **an opioid drug that is:**

9 (1) **formulated to limit at least one (1) form of tampering that**
10 **is intended to allow abuse of the drug; and**

11 (2) **approved by the federal Food and Drug Administration**
12 **under a new drug application that includes data collected**
13 **through at least one (1) human abuse potential study that**
14 **supports the drug's characterization as a drug with reduced**
15 **abuse potential in comparison to an opioid that:**

16 (A) **is not a tamper resistant opioid;**
17 (B) **has been approved by the federal Food and Drug**



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Administration; and
 (C) serves as a positive control.

Sec. 3. A drug product that is not a tamper resistant opioid:
 (1) is not considered to be therapeutically equivalent to a tamper resistant opioid; and
 (2) shall not be substituted for a tamper resistant opioid.

Sec. 4. A policy of accident and sickness insurance that provides coverage for a prescription drug shall not exclude or limit benefits for a brand name tamper resistant opioid unless the exclusion or limitation is the same as or less restrictive than an exclusion or a limitation that applies to benefits for other prescription drugs under the policy of accident and sickness insurance.

Sec. 5. Coverage of a brand name tamper resistant opioid under a policy of accident and sickness insurance is not subject to prior authorization if there is not available on the market a generic tamper resistant opioid that has been approved by the federal Food and Drug Administration.

Sec. 6. Coverage of a tamper resistant opioid under a policy of accident and sickness insurance shall not be contingent on previous use of a drug product that is not a tamper resistant opioid.

SECTION 2. IC 27-13-7-21 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: **Sec. 21. (a) As used in this section, "tamper resistant opioid" means an opioid drug that is:**

(1) formulated to limit at least one (1) form of tampering that is intended to allow abuse of the drug; and
 (2) approved by the federal Food and Drug Administration under a new drug application that includes data collected through at least one (1) human abuse potential study that supports the drug's characterization as a drug with reduced abuse potential in comparison to an opioid that:

(A) is not a tamper resistant opioid;
 (B) has been approved by the federal Food and Drug Administration; and
 (C) serves as a positive control.

(b) A drug product that is not a tamper resistant opioid:
 (1) is not considered to be therapeutically equivalent to a tamper resistant opioid; and
 (2) shall not be substituted for a tamper resistant opioid.

(c) An individual contract or a group contract that provides coverage for a prescription drug shall not exclude or limit benefits for a brand name tamper resistant opioid unless the exclusion or

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1 **limitation is the same as or less restrictive than an exclusion or a**
2 **limitation that applies to benefits for other prescription drugs**
3 **under the individual contract or group contract.**
4 **(d) Coverage of a brand name tamper resistant opioid under an**
5 **individual contract or a group contract is not subject to prior**
6 **authorization if there is not available on the market a generic**
7 **tamper resistant opioid that has been approved by the federal Food**
8 **and Drug Administration.**
9 **(e) Coverage of a tamper resistant opioid under an individual**
10 **contract or a group contract shall not be contingent on previous**
11 **use of a drug product that is not a tamper resistant opioid.**

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