

SENATE BILL 993

By McNally

AN ACT to amend Tennessee Code Annotated, Title 53,
Chapter 10, Part 2 and Title 56, Chapter 7, relative
to insurance coverage for certain drugs.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 56, Chapter 7, Part 23, is amended by
adding the following as a new section:

56-7-23__.

(a) For purposes of 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) Every health benefit plan that provides coverage for prescription drugs or devices or services, or administers such a plan, including, but not limited to, health maintenance organizations, third party administrators for self insured plans and state administered plans, 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 health benefit plan.

(d) Coverage of a brand name tamper resistant opioid under a health benefit plan 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.

(e) Coverage of a tamper resistant opioid under a health benefit plan shall not be contingent on previous use of a drug product that is not a tamper resistant opioid.

SECTION 3. Tennessee Code Annotated, Section 53-10-204, is amended by adding the following as a new subsection thereto:

(_) Nothing in this section shall be construed to require a prescriber to substitute a drug product that is not a tamper resistant opioid for a brand name tamper resistant opioid.

SECTION 2. This act shall take effect January 1, 2012, the public welfare requiring it and shall apply to policies or contracts issued or renewed on or after January 1, 2012.