SENATE BILL 477

57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2025

INTRODUCED BY

Martin Hickey

AN ACT

RELATING TO INSURANCE; ELIMINATING PRIOR AUTHORIZATION OR PROHIBITING STEP THERAPY REQUIREMENTS FOR PRESCRIPTION DRUGS USED TO PREVENT OR TREAT CERTAIN CONDITIONS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 59A-22B-8 NMSA 1978 (being Laws 2023, Chapter 114, Section 13, as amended) is amended to read:

"59A-22B-8. PRIOR AUTHORIZATION FOR PRESCRIPTION DRUGS OR STEP THERAPY FOR CERTAIN CONDITIONS PROHIBITED.--

A. Coverage for medication approved by the federal food and drug administration that is prescribed for the treatment or prevention of an autoimmune disorder, cancer, a cholesterol disorder or a substance use disorder [~~pursuant to a medical necessity determination~~] shall not be subject to prior authorization, except in cases in which a biosimilar,

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interchangeable biologic or generic version is available.

B. Coverage for medication approved by the federal food and drug administration in the following drug classes shall not be subject to prior authorization, except in cases in which a biosimilar, interchangeable biologic or generic version is available:

(1) glucagon-like peptide-1 agonists;

(2) glucose-dependent insulinotropic polypeptide; or

(3) glucagon-like peptide-1 receptor agonists.

[~~B.~~] C. A health insurer shall not impose step therapy requirements before authorizing coverage for medication approved by the federal food and drug administration that is prescribed for the treatment or prevention of an autoimmune disorder, cancer, a cholesterol disorder or a substance use disorder, pursuant to a medical necessity determination, except in cases in which a biosimilar, interchangeable biologic or generic version is available.

D. A health insurer shall not impose step therapy requirements before authorizing coverage for medication approved by the federal food and drug administration in the following drug classes, except in cases in which a biosimilar, interchangeable biologic or generic version is available:

(1) glucagon-like peptide-1 agonists;

(2) glucose-dependent insulinotropic

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polypeptide; or

(3) glucagon-like peptide-1 receptor agonists."

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