

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

SENATE BILL 191

52ND LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2016

INTRODUCED BY

Mary Kay Papen

AN ACT

RELATING TO OPIOIDS; REQUIRING THE DEPARTMENT OF HEALTH TO POST
OPIOID OVERDOSE PREVENTION INFORMATION ON ITS WEBSITE;
REQUIRING CERTAIN HEALTH INSURERS TO PROVIDE COVERAGE FOR
ABUSE-DETERRENT OPIOIDS; REQUIRING THE SECRETARY OF CORRECTIONS
TO CONSIDER USING MEDICATION-ASSISTED TREATMENT FOR PERSONS
UNDER THE SUPERVISION OF THE CORRECTIONS DEPARTMENT.

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

SECTION 1. A new section of the Public Health Act is
enacted to read:

"[NEW MATERIAL] OPIOID OVERDOSE PREVENTION INFORMATION.--
No later than January 1, 2017, the department of health shall
ensure that the public is provided with access, free of charge,
to appropriate educational information on opioid overdose
prevention on the department of health's website. The

underscored material = new
~~[bracketed material] = delete~~

underscored material = new
[bracketed material] = delete

1 information shall include information regarding overdose risk
2 factors, recognition of signs of opioid overdose, appropriate
3 responses to an overdose, short-acting and long-acting
4 antagonists approved by the federal food and drug
5 administration and such other information as determined by the
6 department of health."

7 SECTION 2. A new section of the New Mexico Insurance Code
8 is enacted to read:

9 "[NEW MATERIAL] ABUSE-DETERRENT OPIOIDS.--

10 A. As of January 1, 2017, an individual or group
11 health insurance policy, health care plan or certificate of
12 insurance that is delivered, issued for delivery or renewed in
13 this state and that provides prescription drug benefits:

14 (1) shall provide coverage for at least one
15 abuse-deterrent opioid for each opioid analgesic active
16 ingredient; and

17 (2) shall not require an insured patient to
18 use a prescribed opioid as a condition precedent to
19 authorizing, or providing coverage for, a prescribed abuse-
20 deterrent opioid.

21 B. Nothing in this section shall prohibit the use
22 of utilization review, including prior authorization, provided
23 the same criteria are applied to a prescribed opioid as to a
24 prescribed abuse-deterrent opioid.

25 C. As used in this section:

underscoring material = new
~~[bracketed material] = delete~~

1 (1) "abuse" means the intentional,
2 nontherapeutic use of a drug product or substance, even once,
3 to achieve a desirable psychological or physiological effect;

4 (2) "abuse-deterrent opioid" means a brand or
5 generic opioid analgesic drug that is indicated for the
6 treatment of pain, that has abuse-deterrent labeling claims
7 indicating it has abuse-deterrent properties and that has been
8 approved by the federal food and drug administration;

9 (3) "abuse-deterrent properties" means
10 properties that the federal food and drug administration has
11 determined to meaningfully deter abuse, even if they do not
12 fully prevent abuse; and

13 (4) "opioid" means a brand or generic opioid
14 analgesic drug that is indicated for the treatment of pain,
15 which does not have abuse-deterrent labeling claims indicating
16 it has abuse-deterrent properties and that has been approved by
17 the federal food and drug administration."

18 SECTION 3. TEMPORARY PROVISION--USE OF MEDICATION-
19 ASSISTED TREATMENT FOR PERSONS UNDER THE SUPERVISION OF THE
20 CORRECTIONS DEPARTMENT.--No later than January 1, 2017, the
21 secretary of corrections shall consider the use of medication-
22 assisted treatment for persons under the corrections
23 department's supervision. As used in this section,
24 "medication-assisted treatment" means any treatment for opioid
25 addiction that includes a medication approved by the federal

.202983.5

underscoring material = new
~~[bracketed material] = delete~~

1 food and drug administration for opioid addiction
2 detoxification or maintenance treatment.

3 SECTION 4. EFFECTIVE DATE.--The effective date of the
4 provisions of this act is July 1, 2016.

5 - 4 -
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25