

1 HOUSE BILL 241

2 **52ND LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2016**

3 INTRODUCED BY

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5 Debbie A. Rodella

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10 AN ACT

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

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

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

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

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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:

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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

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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.

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