

First Regular Session  
Seventieth General Assembly  
STATE OF COLORADO

INTRODUCED

LLS NO. 15-0786.01 Kristen Forrestal x4217

HOUSE BILL 15-1214

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HOUSE SPONSORSHIP

Singer,

SENATE SPONSORSHIP

Cooke,

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House Committees

Public Health Care & Human Services

Senate Committees

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A BILL FOR AN ACT

101 CONCERNING OPIOID ANALGESICS WITH ABUSE-DETERRENT  
102 PROPERTIES.

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Bill Summary

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/bills/summaries>.)*

The bill prohibits an opioid analgesic drug product that is not abuse-deterrent to be substituted for an abuse-deterrent opioid analgesic drug product if a health care provider prescribes an abuse-deterrent opioid analgesic drug product to a patient and the prescription includes the instructions "dispense as written". A carrier must cover the abuse-deterrent opioid analgesic drug product at the lowest cost-sharing

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters indicate new material to be added to existing statute.*  
*Dashes through the words indicate deletions from existing statute.*

level as an opioid analgesic drug product. A carrier cannot require treatment failure with an opioid analgesic drug product that is not abuse-deterrent prior to providing coverage for the abuse-deterrent opioid analgesic drug product if the prescribing health care provider determines that the covered person would benefit from the abuse-deterrent opioid analgesic drug product.

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1 *Be it enacted by the General Assembly of the State of Colorado:*

2           **SECTION 1.** In Colorado Revised Statutes, **add** 10-16-124.7 as  
3 follows:

4           **10-16-124.7. Opioid analgesics with abuse-deterrent properties**  
5 **- coverage - access - definitions.** (1) IF A HEALTH CARE PROVIDER  
6 PRESCRIBES AN ABUSE-DETERRENT OPIOID ANALGESIC DRUG PRODUCT TO  
7 A PATIENT AND THE PRESCRIPTION INCLUDES THE INSTRUCTIONS "DISPENSE  
8 AS WRITTEN", AN OPIOID ANALGESIC DRUG PRODUCT THAT IS NOT  
9 ABUSE-DETERRENT SHALL NOT BE SUBSTITUTED. THE CARRIER SHALL  
10 PROVIDE COVERAGE FOR THE ABUSE-DETERRENT OPIOID ANALGESIC DRUG  
11 PRODUCT AT THE LOWEST COST-SHARING LEVEL APPLIED TO A  
12 NON-ABUSE-DETERRENT OPIOID ANALGESIC DRUG PRODUCT.

13           (2) IF THE PRESCRIBING HEALTH CARE PROVIDER DETERMINES  
14 THAT A COVERED PERSON WOULD BENEFIT FROM AN ABUSE-DETERRENT  
15 OPIOID ANALGESIC DRUG PRODUCT, A CARRIER MAY NOT REQUIRE  
16 TREATMENT FAILURE WITH AN OPIOID ANALGESIC DRUG PRODUCT THAT IS  
17 NOT ABUSE-DETERRENT PRIOR TO PROVIDING COVERAGE FOR THE  
18 ABUSE-DETERRENT OPIOID ANALGESIC DRUG PRODUCT.

19           (3) AS USED IN THIS SECTION:

20           (a) "ABUSE-DETERRENT OPIOID ANALGESIC DRUG PRODUCT"  
21 MEANS A BRAND OR GENERIC OPIOID ANALGESIC DRUG PRODUCT  
22 APPROVED BY THE UNITED STATE FOOD AND DRUG ADMINISTRATION

1 WITH ABUSE-DETERRENCE LABELING CLAIMS THAT INDICATE THAT THE  
2 DRUG PRODUCT IS EXPECTED TO RESULT IN A MEANINGFUL REDUCTION IN  
3 ABUSE.

4 (b) "COST SHARING" MEANS THE OUT-OF-POCKET EXPENSES THE  
5 COVERED PERSON IS REQUIRED TO PAY, INCLUDING ANY COVERAGE LIMIT,  
6 COPAYMENT, COINSURANCE, OR DEDUCTIBLE AMOUNT.

7 (c) "OPIOID ANALGESIC DRUG PRODUCT" MEANS A DRUG PRODUCT  
8 IN THE OPIOID ANALGESIC DRUG CLASS PRESCRIBED TO TREAT MODERATE  
9 TO SEVERE PAIN OR OTHER CONDITIONS, WHETHER IN IMMEDIATE RELEASE  
10 OR EXTENDED RELEASE OR LONG-ACTING FORM, THAT MAY BE COMBINED  
11 WITH OTHER DRUG SUBSTANCES TO FORM A SINGLE DRUG PRODUCT OR  
12 DOSAGE FORM.

13 **SECTION 2. Act subject to petition - effective date.** This act  
14 takes effect January 1, 2016; except that, if a referendum petition is filed  
15 pursuant to section 1 (3) of article V of the state constitution against this  
16 act or an item, section, or part of this act within the ninety-day period  
17 after final adjournment of the general assembly, then the act, item,  
18 section, or part will not take effect unless approved by the people at the  
19 general election to be held in November 2016 and, in such case, will take  
20 effect on the date of the official declaration of the vote thereon by the  
21 governor.