

## HOUSE BILL NO. 751

INTRODUCED BY K. ABBOTT

A BILL FOR AN ACT ENTITLED: "AN ACT GENERALLY REVISING LAWS RELATED TO NONOPIOID ALTERNATIVES TO THE TREATMENT OF PAIN; REQUIRING THE DEVELOPMENT OF EDUCATIONAL MATERIALS ON NONOPIOID ALTERNATIVES; PROHIBITING INSURER DENIAL OF COVERAGE FOR NONOPIOID ALTERNATIVES IN FAVOR OF OPIOID PRESCRIPTIONS; AMENDING SECTION 33-22-137, MCA; AND PROVIDING EFFECTIVE DATES AND AN APPLICABILITY DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

**NEW SECTION. Section 1. Nonopioid alternatives to opioid prescriptions -- educational materials.** The department of public health and human services shall develop and publish on its website an educational pamphlet regarding the use of nonopioid alternatives for the treatment of acute nonoperative, acute perioperative, subacute, or chronic pain. The pamphlet must, at a minimum, include:

- (1) information on available nonopioid alternatives for the treatment of pain, including available nonopioid medicinal drugs or drug products and nonpharmacological therapies; and
- (2) the advantages and disadvantages of the use of nonopioid alternatives.

**Section 2.** Section 33-22-137, MCA, is amended to read:

**"33-22-137. Cost-sharing Prescription drug coverage -- cost-sharing requirements -- coverage of nonopioid alternatives -- applicability.** (1) Each group or individual health insurance policy, certificate of insurance, and membership contract that covers prescription drugs and that is delivered, issued for delivery, renewed, extended, or modified in this state must comply with the provisions of this section.

(2) Each policy, certificate, or contract must provide that after the applicable deductible is met, the insured shall pay only the required copayment or other cost-sharing requirement for a covered prescription drug at the time of purchase if the prescription drug dispenser, third-party administrator, or health insurance issuer can determine that amount at the time of purchase.

(3) If a health care provider prescribes a nonopioid medication for treatment of acute nonoperative, acute perioperative, subacute, or chronic pain, an insurer may not deny coverage of the nonopioid prescription drug in favor of an opioid prescription drug.

~~(2)~~(4) This section applies to blanket policies issued pursuant to Title 33, chapter 22, part 6.

~~(3)(5)~~ This section does not apply to disability income, hospital indemnity, medicare supplement, accident-only, vision, dental, or long-term care policies."

**NEW SECTION. Section 3. Codification instruction.** [Section 1] is intended to be codified as an integral part of Title 50, chapter 1, part 2, and the provisions of Title 50, chapter 1, part 2, apply to [section 1].

NEW SECTION. **Section 4. Effective dates.** (1) Except as provided in subsection (2), [this act] is effective October 1, 2023.

(2) [Section 2] is effective January 1, 2024.

**NEW SECTION. Section 5. Applicability.** [Section 2] applies to policies, certificates, or contracts issued or renewed on or after January 1, 2024.

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