

AMENDED IN ASSEMBLY MAY 4, 2015  
AMENDED IN ASSEMBLY MARCH 26, 2015  
CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

**ASSEMBLY BILL**

**No. 623**

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**Introduced by Assembly Member Wood**  
*(Coauthor: Assembly Member Waldron)*

February 24, 2015

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An act to add Section 4069 to the Business and Professions Code, to add Section 1367.217 to the Health and Safety Code, and to add Section 10123.203 to the Insurance Code, relating to prescription drugs.

LEGISLATIVE COUNSEL'S DIGEST

AB 623, as amended, Wood. Abuse-deterrent opioid analgesic drug products.

Existing law, the Knox-Keene Health Care Service Plan Act of 1975, provides for the licensure and regulation of health care service plans by the Department of Managed Health Care and makes a willful violation of that act a crime. Existing law also provides for the regulation of health insurers by the Department of Insurance. These provisions require specified services and drugs to be covered by the various plans.

This bill would, where an abuse-deterrent opioid analgesic drug product, as defined, is available, prohibit a health care service plan or insurer from requiring the use of opioid analgesic drug products without the abuse-deterrent properties in order to access abuse-deterrent opioid analgesic drug products. The bill would require a health care service plan or insurer to allow a provider to prescribe, and if otherwise covered, to provide coverage for, a less than 30-day supply of an opioid analgesic drug product. Because a willful violation of these requirements with

respect to health care service plans would be a crime, this bill would impose a state-mandated local program.

Existing law, the Pharmacy Law, the knowing violation of which is a crime, provides for the licensing and regulation of pharmacists by the California State Board of Pharmacy. Existing regulations require a pharmacist to provide oral consultation to his or her patient or the patient’s agent in all care settings upon request or whenever the pharmacist deems it warranted.

This bill would require a pharmacist to inform a patient receiving an opioid analgesic drug product on proper storage and disposal of the drug, and ~~authorizes this information to be included as part of the required oral consultation.~~ *would require the board to adopt regulations to implement that provision.* Because a violation of this requirement would be a crime, the bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes.  
 State-mandated local program: yes.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. The Legislature finds and declares the following:
- 2 (a) Prescription and over-the-counter (OTC) drugs are, after
- 3 marijuana and alcohol, the most commonly abused substances by
- 4 Americans over 14 years of age.
- 5 (b) Over two million people in the United States suffer from
- 6 substance use disorders related to prescription opioid pain relievers.
- 7 (c) More people die from overdoses of prescription opioid pain
- 8 relievers than from all other drugs combined, including heroin and
- 9 cocaine.
- 10 (d) Prescription opioid pain relievers can have effects similar
- 11 to heroin when taken in doses or in ways other than prescribed,
- 12 and research now suggests that abuse of these drugs may lead to
- 13 heroin abuse.
- 14 (e) Prescription opioid pain relievers can be particularly
- 15 dangerous when snorted, injected, or combined with other drugs
- 16 or alcohol.

1 SEC. 2. Section 4069 is added to the Business and Professions  
2 Code, to read:

3 4069. (a) A pharmacist shall inform a patient receiving an  
4 opioid analgesic drug product on proper storage and disposal of  
5 the drug. ~~This information may be included as part of the oral~~  
6 ~~consultation required under Section 1707.2 of Title 17 of the~~  
7 ~~California Code of Regulations. The board shall adopt regulations~~  
8 ~~to implement this section.~~

9 (b) For purposes of this section, “opioid analgesic drug product”  
10 has the same meaning as defined in Section 1367.217 of the Health  
11 and Safety Code.

12 SEC. 3. Section 1367.217 is added to the Health and Safety  
13 Code, to read:

14 1367.217. (a) Where an abuse-deterrent opioid analgesic drug  
15 product is available, a health care service plan shall not require  
16 the use of opioid analgesic drug products without the  
17 abuse-deterrent properties in order to access abuse-deterrent opioid  
18 analgesic drug products.

19 (b) This section shall not be construed to prevent a health care  
20 service plan from applying prior authorization requirements to  
21 abuse-deterrent opioid analgesic drug products, provided that those  
22 same requirements are applied to versions of those opioid analgesic  
23 drug products without the abuse-deterrent properties.

24 (c) A health care service plan shall allow a provider to prescribe,  
25 and if otherwise covered, shall provide coverage for, a less than  
26 30-day supply of an opioid analgesic drug product.

27 (d) For purposes of this section, the following definitions shall  
28 apply:

29 (1) “Abuse-deterrent opioid analgesic drug product” means a  
30 brand or generic opioid analgesic drug product approved by the  
31 federal Food and Drug Administration with abuse-deterrence  
32 labeling claims that indicate the drug product is expected to result  
33 in a meaningful reduction in abuse.

34 (2) “Opioid analgesic drug product” means a drug product in  
35 the opioid analgesic drug class that is prescribed to treat moderate  
36 to severe pain or other conditions, whether in immediate release  
37 or extended release or long-acting form and whether or not  
38 combined with other drug substances to form a single drug product  
39 or dosage form.

1 SEC. 4. Section 10123.203 is added to the Insurance Code, to  
2 read:

3 10123.203. (a) Where an abuse-deterrent opioid analgesic  
4 drug product is available, an insurer shall not require the use of  
5 opioid analgesic drug products without the abuse-deterrent  
6 properties in order to access abuse-deterrent opioid analgesic drug  
7 products.

8 (b) This section shall not be construed to prevent an insurer  
9 from applying prior authorization requirements to abuse-deterrent  
10 opioid analgesic drug products, provided that those same  
11 requirements are applied to versions of those opioid analgesic drug  
12 products without the abuse-deterrent properties.

13 (c) An insurer shall allow a provider to prescribe, and if  
14 otherwise covered, shall provide coverage for, a less than 30-day  
15 supply of an opioid analgesic drug product.

16 (d) For purposes of this section, the following definitions shall  
17 apply:

18 (1) "Abuse-deterrent opioid analgesic drug product" means a  
19 brand or generic opioid analgesic drug product approved by the  
20 federal Food and Drug Administration with abuse-deterrence  
21 labeling claims that indicate the drug product is expected to result  
22 in a meaningful reduction in abuse.

23 (2) "Opioid analgesic drug product" means a drug product in  
24 the opioid analgesic drug class that is prescribed to treat moderate  
25 to severe pain or other conditions, whether in immediate release  
26 or extended release or long-acting form and whether or not  
27 combined with other drug substances to form a single drug product  
28 or dosage form.

29 SEC. 5. No reimbursement is required by this act pursuant to  
30 Section 6 of Article XIII B of the California Constitution because  
31 the only costs that may be incurred by a local agency or school  
32 district will be incurred because this act creates a new crime or  
33 infraction, eliminates a crime or infraction, or changes the penalty  
34 for a crime or infraction, within the meaning of Section 17556 of  
35 the Government Code, or changes the definition of a crime within  
36 the meaning of Section 6 of Article XIII B of the California  
37 Constitution.

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