

ASSEMBLY, No. 3668

STATE OF NEW JERSEY

221st LEGISLATURE

INTRODUCED FEBRUARY 12, 2024

Sponsored by:
Assemblywoman CAROL A. MURPHY
District 7 (Burlington)

SYNOPSIS

Requires health benefits coverage for buprenorphine and buprenorphine/naloxone for pain treatment without step therapy or fail-first protocols.

CURRENT VERSION OF TEXT

As introduced.



1 **AN ACT** concerning health benefits coverage for buprenorphine and
2 buprenorphine/naloxone for pain treatment and supplementing
3 various parts of the statutory law.

4

5 **BE IT ENACTED by the Senate and General Assembly of the State**
6 **of New Jersey:**

7

8 1. a. Notwithstanding any other provision of law to the
9 contrary, a hospital service corporation contract that provides
10 hospital or medical expense benefits and is delivered, issued,
11 executed or renewed in this State, or approved for issuance or
12 renewal in this State by the Commissioner of Banking and
13 Insurance, on or after the effective date of this act, shall provide
14 coverage for any expenses incurred by a covered person for the
15 prescription and purchase of buprenorphine or
16 buprenorphine/naloxone for the treatment of pain. Coverage
17 provided pursuant to this section shall not be subject to step therapy
18 or fail-first protocols.

19 b. The provisions of this section shall apply to all hospital
20 service corporation contracts in which the hospital service
21 corporation has reserved the right to change the premium.

22

23 2. a. Notwithstanding any other provision of law to the
24 contrary, a medical service corporation contract that provides
25 hospital or medical expense benefits and is delivered, issued,
26 executed or renewed in this State, or approved for issuance or
27 renewal in this State by the Commissioner of Banking and
28 Insurance, on or after the effective date of this act, shall provide
29 coverage for any expenses incurred by a covered person for the
30 prescription and purchase of buprenorphine or
31 buprenorphine/naloxone for the treatment of pain. Coverage
32 provided pursuant to this section shall not be subject to step therapy
33 or fail-first protocols.

34 b. The provisions of this section shall apply to all medical
35 service corporation contracts in which the medical service
36 corporation has reserved the right to change the premium.

37

38 3. a. Notwithstanding any other provision of law to the
39 contrary, a health service corporation contract that provides hospital
40 or medical expense benefits and is delivered, issued, executed or
41 renewed in this State, or approved for issuance or renewal in this
42 State by the Commissioner of Banking and Insurance, on or after
43 the effective date of this act, shall provide coverage for any
44 expenses incurred by a covered person for the prescription and
45 purchase of buprenorphine or buprenorphine/naloxone for the
46 treatment of pain. Coverage provided pursuant to this section shall
47 not be subject to step therapy or fail-first protocols.

1 b. The provisions of this section shall apply to all health
2 service corporation contracts in which the health service
3 corporation has reserved the right to change the premium.

4

5 4. a. Notwithstanding any other provision of law to the
6 contrary, an individual health insurance policy that provides
7 hospital or medical expense benefits and is delivered, issued,
8 executed or renewed in this State, or approved for issuance or
9 renewal in this State by the Commissioner of Banking and
10 Insurance, on or after the effective date of this act, shall provide
11 coverage for any expenses incurred by a covered person for the
12 prescription and purchase of buprenorphine or
13 buprenorphine/naloxone for the treatment of pain. Coverage
14 provided pursuant to this section shall not be subject to step therapy
15 or fail-first protocols.

16 b. The provisions of this section shall apply to those policies in
17 which the insurer has reserved the right to change the premium.

18

19 5. a. Notwithstanding any other provision of law to the
20 contrary, a group health insurance policy that provides hospital or
21 medical expense benefits and is delivered, issued, executed or
22 renewed in this State, or approved for issuance or renewal in this
23 State by the Commissioner of Banking and Insurance, on or after
24 the effective date of this act, shall provide coverage for any
25 expenses incurred by a covered person for the prescription and
26 purchase of buprenorphine or buprenorphine/naloxone for the
27 treatment of pain. Coverage provided pursuant to this section shall
28 not be subject to step therapy or fail-first protocols.

29 b. The provisions of this section shall apply to those policies in
30 which the insurer has reserved the right to change the premium.

31

32 6. a. Notwithstanding any other provision of law to the
33 contrary, an individual health benefits plan that provides hospital or
34 medical expense benefits and is delivered, issued, executed or
35 renewed in this State, or approved for issuance or renewal in this
36 State by the Commissioner of Banking and Insurance, on or after
37 the effective date of this act, shall provide coverage for any
38 expenses incurred by a covered person for the prescription and
39 purchase of buprenorphine or buprenorphine/naloxone for the
40 treatment of pain. Coverage provided pursuant to this section shall
41 not be subject to step therapy or fail-first protocols.

42 b. The provisions of this section shall apply to all individual
43 health benefits plans in which the carrier has reserved the right to
44 change the premium.

45

46 7. a. Notwithstanding any other provision of law to the
47 contrary, a small employer health benefits plan that provides
48 hospital or medical expense benefits and is delivered, issued,

1 executed or renewed in this State, or approved for issuance or
2 renewal in this State by the Commissioner of Banking and
3 Insurance, on or after the effective date of this act, shall provide
4 coverage for any expenses incurred by a covered person for the
5 prescription and purchase of buprenorphine or
6 buprenorphine/naloxone for the treatment of pain. Coverage
7 provided pursuant to this section shall not be subject to step therapy
8 or fail-first protocols.

9 b. The provisions of this section shall apply to all small
10 employer health benefits plans in which the carrier has reserved the
11 right to change the premium.

12
13 8. a. Notwithstanding any other provision of law to the
14 contrary, a health maintenance organization contract that provides
15 hospital or medical expense benefits and is delivered, issued,
16 executed or renewed in this State, or approved for issuance or
17 renewal in this State by the Commissioner of Banking and
18 Insurance, on or after the effective date of this act, shall provide
19 coverage for any expenses incurred by a covered person for the
20 prescription and purchase of buprenorphine or
21 buprenorphine/naloxone for the treatment of pain. Coverage
22 provided pursuant to this section shall not be subject to step therapy
23 or fail-first protocols.

24
25 b. The provisions of this section shall apply to those contracts
26 for health care services by health maintenance organizations under
27 which the health maintenance organization has reserved the right to
28 change the schedule of charges.

29
30 9. The State Health Benefits Commission shall ensure that
31 every contract purchased by the commission on or after the
32 effective date of this act that provides hospital or medical expense
33 benefits shall provide coverage for any expenses incurred by a
34 covered person for the prescription and purchase of buprenorphine
35 or buprenorphine/naloxone for the treatment of pain. Coverage
36 provided pursuant to this section shall not be subject to step therapy
37 or fail-first protocols.

38
39 10. The School Employees' Health Benefits Commission shall
40 ensure that every contract purchased by the commission on or after
41 the effective date of this act that provides hospital or medical
42 expense benefits shall provide coverage for any expenses incurred
43 by a covered person for the prescription and purchase of
44 buprenorphine or buprenorphine/naloxone for the treatment of pain.
45 Coverage provided pursuant to this section shall not be subject to
46 step therapy or fail-first protocols.

47
48 11. This act shall take effect on the 90th day next following the
date of enactment.

1 STATEMENT

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3 This bill requires health insurers (health, hospital and medical
4 service corporations, commercial individual and group health
5 insurers; health maintenance organizations, health benefits plans
6 issued pursuant to the New Jersey Individual Health Coverage and
7 Small Employer Health Benefits Programs, the State Health
8 Benefits Program, and the School Employees' Health Benefits
9 Program) to provide health benefits coverage for any expenses
10 incurred by a covered person for the prescription and purchase of
11 buprenorphine or buprenorphine/naloxone for the treatment of
12 pain. The bill provides that coverage is not subject to step therapy
13 or fail-first protocols.

14 Buprenorphine and buprenorphine/naloxone, are medications
15 that are used to treat chronic pain. This bill seeks to make these
16 medications more readily available for people with chronic pain by
17 prohibiting health insurers from applying step therapy or fail-first
18 protocols as a condition for coverage. These protocols are a type of
19 prior authorization which currently may be used by health insurers
20 to require patients to use riskier, more addictive drugs for the
21 treatment of pain, before using buprenorphine and
22 buprenorphine/naloxone, which are less addictive and less likely to
23 be abused by patients.