

HOUSE No. 3786

The Commonwealth of Massachusetts

PRESENTED BY:

Andres X. Vargas

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to Narcan and rehabilitation.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Andres X. Vargas</i>	<i>3rd Essex</i>	<i>2/19/2021</i>
<i>David Henry Argosky LeBoeuf</i>	<i>17th Worcester</i>	<i>2/26/2021</i>
<i>Michelle L. Ciccolo</i>	<i>15th Middlesex</i>	<i>2/26/2021</i>
<i>James K. Hawkins</i>	<i>2nd Bristol</i>	<i>2/26/2021</i>
<i>Lindsay N. Sabadosa</i>	<i>1st Hampshire</i>	<i>2/26/2021</i>
<i>Bud L. Williams</i>	<i>11th Hampden</i>	<i>2/26/2021</i>
<i>Vanna Howard</i>	<i>17th Middlesex</i>	<i>2/26/2021</i>
<i>Elizabeth A. Malia</i>	<i>11th Suffolk</i>	<i>3/15/2021</i>
<i>Steven C. Owens</i>	<i>29th Middlesex</i>	<i>6/3/2021</i>
<i>Marcos A. Devers</i>	<i>16th Essex</i>	<i>6/22/2021</i>
<i>Mindy Domb</i>	<i>3rd Hampshire</i>	<i>10/12/2021</i>

HOUSE No. 3786

By Mr. Vargas of Haverhill, a petition (accompanied by bill, House, No. 3786) of Andres X. Vargas and others relative to insurance coverage for Narcan and certain rehabilitation services. Financial Services.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

An Act relative to Narcan and rehabilitation.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Subsection (a) of section 2RRRR of chapter 29 of the General Laws, as
2 appearing in the 2018 Official Edition, is hereby amended by inserting after the word “services”,
3 in line 6, the following words:- , including certain non-profit substance abuse disorder treatment
4 facilities pursuant to section 19E of chapter 94C,.

5 SECTION 2. Chapter 32A of the General Laws is hereby amended by inserting after
6 section 17R, as inserted by section 2 of chapter 260 of the acts of 2020, the following section:-

7 Section 17S. Any coverage offered by the commission to an active or retired employee of
8 the commonwealth insured under the group insurance commission shall provide coverage for
9 prescribed opioid antagonists, as defined in section 19B of chapter 94C. The prescribed drug in
10 this section shall not be subject to any greater deductible, coinsurance, copayments or out-of-
11 pocket limits than any other prescribed drug provided by the insurer.

12 SECTION 2. Chapter 94C of the General Laws is hereby amended by inserting after
13 section 19D the following section:-

14 Section 19E. (a) For the purposes of this section, the following words shall, unless the
15 context clearly requires otherwise, have the following meanings:

16 “Opioid antagonist”, as defined in section 19B.

17 “Substance abuse disorder treatment facility”, nonprofit or for-profit facilities that offer:

18 (i) acute treatment services and detoxification services; (ii) clinical stabilization services; (iii)
19 transitional support services; (iv) residential support services; or (v) outpatient counseling
20 services.

21 (b) Upon discharge of a patient from a substance abuse disorder treatment facility, the
22 facility shall prescribe and dispense no less than 2 doses of an opioid antagonist to the patient or
23 a legal guardian.

24 (c) The department of public health may subject to appropriation provide, at no cost to
25 the substance abuse disorder treatment facility, opioid antagonists to nonprofit substance abuse
26 disorder treatment facilities to be dispensed to patients pursuant to this section.

27 SECTION 3. Section 51½ of chapter 111 of the General Laws, as appearing in the 2018
28 Official Edition, is hereby amended by inserting after the definition of “Licensed mental health
29 professional” the following definition:-

30 “Opioid antagonist”, as defined in section 19B of chapter 94C.

31 SECTION 4. Said section 51½ of said chapter 111, as so appearing, is hereby amended
32 by inserting after subsection (f) the following subsection:-

33 (f½) Upon discharge of a patient who experienced an opioid-related overdose, the acute-
34 care hospital or satellite emergency facility shall prescribe and dispense no less than 2 doses of
35 an opioid antagonist to the patient and notify the patient’s primary care physician, if known.

36 SECTION 5. Said chapter 111 is hereby amended by adding the following section:-

37 Section 243. The department shall, subject to appropriation, purchase doses of opioid
38 antagonists, as defined in section 19B of chapter 94C, for distribution to nonprofit substance
39 abuse disorder treatment facilities pursuant to section 19E of chapter 94C.

40 The department shall notify said nonprofit substance abuse disorder treatment facilities
41 that they may participate in the Municipal Naloxone Bulk Purchase Trust Fund pursuant to
42 section 2RRRR of chapter 29.

43 SECTION 6. Chapter 118E of the General Laws is hereby amended by inserting after
44 section 10N, as inserted by section 39 of said chapter 260, the following section:-

45 Section 100. The division and its contracted health insurers, health plans, health
46 maintenance organizations, behavioral health management firms and third-party administrators
47 under contract to a Medicaid managed care organization or primary care clinician plan shall
48 provide coverage for prescribed opioid antagonists, as defined in section 19B of chapter 94C.
49 The prescribed drug in this section shall not be subject to any greater deductible, coinsurance,
50 copayments or out-of-pocket limits than any other prescribed drug provided by the insurer.

51 SECTION 7. Chapter 175 of the General Laws is hereby amended by inserting after
52 section 47NN, as inserted by section 47 of said chapter 260, the following section:-

53 Section 4700. Any individual policy of accident or sickness insurance issued pursuant to
54 this chapter shall provide coverage for opioid antagonists as defined in section 19B of chapter
55 94C. The prescribed drug in this section shall not be subject to any greater deductible,
56 coinsurance, copayments or out-of-pocket limits than any other prescribed drug provided by the
57 insurer.

58 SECTION 8. Chapter 176A of the General Laws is hereby amended by inserting after
59 section 800, as inserted by section 48 of said chapter 260, the following section:-

60 Section 8PP. Any subscription certification under an individual or group nonprofit
61 hospital service agreement, except certificates which provide stand-alone dental services,
62 supplemental coverage to Medicare or other governmental programs, that is delivered, issued or
63 renewed in the commonwealth, shall provide, as benefits to all individuals or to all group
64 members having a principal place of employment within the commonwealth, coverage for
65 prescribed opioid antagonists, as defined in section 19B of chapter 94C. The prescribed drug in
66 this section shall not be subject to any greater deductible, coinsurance, copayments or out-of-
67 pocket limits than any other prescribed drug provided by the insurer.

68 SECTION 9. Chapter 176B of the General Laws is hereby amended by inserting after
69 section 400, as inserted by section 50 of said chapter 260, the following section:-

70 Section 4PP. Any subscription certificate under an individual or group medical service
71 agreement, except certificates that provide stand-alone dental services, supplemental coverage to
72 Medicare or other governmental programs, that is delivered or issued or renewed in the
73 commonwealth, shall provide, as benefits to all individual subscribers and members within the
74 commonwealth and to all group members having a principal place of employment within the

75 commonwealth, coverage for prescribed opioid antagonists, as defined in section 19B of chapter
76 94C. The prescribed drug in this section shall not be subject to any greater deductible,
77 coinsurance, copayments or out-of-pocket limits than any other prescribed drug provided by the
78 insurer.

79 SECTION 10. Chapter 176G of the General Laws is hereby amended by inserting after
80 section 4GG, as inserted by section 52 of said chapter 260, the following section:-

81 Section 4HH. A health maintenance contract, except certificates which provide stand-
82 alone dental services, supplemental coverage to Medicare or other governmental programs, shall
83 provide, as benefits to all individuals or to group members having a principal place of
84 employment within the commonwealth, coverage for prescribed opioid antagonists, as defined in
85 section 19B of chapter 94C. The prescribed drug in this section shall not be subject to any greater
86 deductible, coinsurance, copayments or out-of-pocket limits than any other prescribed drug
87 provided by the insurer.