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1 A bill to be entitled
2 An act relating to nonopioid alternatives; amending s.
3 456.44, F.S.; authorizing certain health care
4 practitioners to provide a specified educational
5 pamphlet to patients in an electronic format; amending
6 s. 627.64195, F.S.; prohibiting health insurance
7 policies from requiring that treatment with an opioid
8 analgesic drug product or abuse-deterrent opioid
9 analgesic drug product be attempted and have failed
10 before authorizing the use of a nonopioid-based
11 analgesic drug product; providing an effective date.

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13 Be It Enacted by the Legislature of the State of Florida:

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15 Section 1. Paragraph (c) of subsection (7) of section
16 456.44, Florida Statutes, is amended to read:

17 456.44 Controlled substance prescribing.—

18 (7) NONOPIOID ALTERNATIVES.—

19 (c) Except when a patient is receiving care in a hospital
20 critical care unit or emergency department or a patient is
21 receiving hospice services under s. 400.6095, before providing
22 care requiring the administration of anesthesia involving the
23 use of an opioid drug listed as a Schedule II controlled
24 substance in s. 893.03 or 21 U.S.C. s. 812, or prescribing or
25 ordering an opioid drug listed as a Schedule II controlled
26 substance in s. 893.03 or 21 U.S.C. s. 812 for the treatment of
27 pain, a health care practitioner who prescribes or orders an
28 opioid drug must:

29 1. Inform the patient or the patient's representative of

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30 available nonopioid alternatives for the treatment of pain,
31 which may include nonopioid medicinal drugs or drug products,
32 interventional procedures or treatments, acupuncture,
33 chiropractic treatments, massage therapy, physical therapy,
34 occupational therapy, or any other appropriate therapy as
35 determined by the health care practitioner.

36 2. Discuss with the patient or the patient's representative
37 the advantages and disadvantages of the use of nonopioid
38 alternatives, including whether the patient is at a high risk
39 of, or has a history of, controlled substance abuse or misuse
40 and the patient's personal preferences.

41 3. Provide the patient or the patient's representative,
42 electronically or in printed form, with ~~a printed copy~~ of the
43 educational pamphlet described in paragraph (b).

44 4. Document the nonopioid alternatives considered in the
45 patient's record.

46 Section 2. Subsection (2) of section 627.64195, Florida
47 Statutes, is amended to read:

48 627.64195 Requirements for opioid coverage.—

49 (2) COVERAGE REQUIREMENTS.—

50 (a) A health insurance policy may not require that
51 treatment with an opioid analgesic drug product or an abuse-
52 deterrent opioid analgesic drug product be attempted and have
53 failed before authorizing the use of a nonopioid-based analgesic
54 drug product.

55 (b) A health insurance policy that provides coverage for
56 abuse-deterrent opioid analgesic drug products:

57 1.-(a) May impose a prior authorization requirement for an
58 abuse-deterrent opioid analgesic drug product only if the policy

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59 imposes the same prior authorization requirement for each opioid
60 analgesic drug product without an abuse-deterrence labeling
61 claim.

62 2.~~(b)~~ May not require use of an opioid analgesic drug
63 product without an abuse-deterrence labeling claim before
64 authorizing the use of an abuse-deterrent opioid analgesic drug
65 product.

66 Section 3. This act shall take effect July 1, 2021.