**State of South Dakota**

**NINETY-FOURTH SESSION**

**LEGISLATIVE ASSEMBLY, 2018**

XXXZXXXX

 **HOUSE BILL NO. XXXX**

Introduced by: Representatives \_\_\_\_\_\_, \_\_\_\_\_\_\_, \_\_\_\_\_\_\_\_, \_\_\_\_\_\_\_\_

FOR AN ACT ENTITLED, An Act to establish coverage requirements for medications used for the treatment of substance use disorders.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

 Section 1. Terms used in this Act mean:

1. “Health Carrier,” an entity subject to the insurance laws and regulations of this state, or subject to the jurisdiction of the director, that contracts or offers to contract, or enters into an agreement to provide, deliver, arrange for, pay for, or reimburse any of the costs of health care services, including a sickness and accident insurance company, a health maintenance organization, a nonprofit hospital and health service corporation, or any other entity providing a plan of health insurance, health benefits, or health services;
2. “Prescription drug benefits for the treatment substance use disorder,” prescription medication benefits for the treatment of any condition or disorder that involves a substance use disorder that falls under any of the diagnostic categories listed in the mental disorders section of the current edition of the International Classification of Disease or that is listed in the mental disorders section of the most recent version of the Diagnostic and Statistical Manual of Mental Disorders;

Section 2. That Chapter 58-17 be amended by adding a NEW SECTION to read:

Each health carrier that issues any individual or group policy, contract, or certificate that provides prescription drug benefits for the treatment of substance use disorder shall:

1. Not impose any prior authorization requirements on any prescription medication approved by the federal Food and Drug Administration (FDA) for the treatment of substance use disorders;
2. Not impose any step therapy requirements before the health carrier will authorize coverage for a prescription medication approved by the FDA for the treatment of substance use disorders;
3. Shall place all prescription medications approved by the FDA for the treatment of substance use disorders on the lowest tier of the drug formulary developed and maintained by the health carrier;
4. Not exclude coverage for any prescription medication approved by the FDA for the treatment of substance use disorders and any associated counseling or wraparound services on the grounds that such medications and services were court ordered.