

[DISCUSSION DRAFT]

115TH CONGRESS  
2D SESSION

**H. R.** \_\_\_\_\_

To direct the Secretary of Health and Human Services to conduct a study on barriers to accessing abuse-deterrent opioid formulations for individuals enrolled in a plan under part C or D of the Medicare program.

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IN THE HOUSE OF REPRESENTATIVES

Mr. CARTER of Georgia introduced the following bill; which was referred to the Committee on \_\_\_\_\_

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**A BILL**

To direct the Secretary of Health and Human Services to conduct a study on barriers to accessing abuse-deterrent opioid formulations for individuals enrolled in a plan under part C or D of the Medicare program.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. STUDY ON ABUSE-DETERRENT OPIOID FORMU-**  
4 **LATIONS ACCESS BARRIERS UNDER MEDI-**  
5 **CARE.**

6 (a) IN GENERAL.—Not later than [180 days after  
7 the date of the enactment of this Act], the Secretary of

1 Health and Human Services shall conduct a study and  
2 submit to Congress a report on the adequacy of access  
3 to abuse-deterrent opioid formulations for applicable indi-  
4 viduals (with a focus on such individuals who are at-risk  
5 beneficiaries for prescription drug abuse), taking into ac-  
6 count any barriers preventing such individuals from ac-  
7 cessing such formulations under an MA-PD plan under  
8 part C of title XVIII or a prescription drug plan under  
9 part D of such title, such as cost-sharing tiers, fail-first  
10 requirements, and prior authorization requirements.

11 (b) DEFINITIONS.—In this section:

12 (1) ABUSE-DETERRENT OPIOID FORMULA-  
13 TION.—The term “abuse-deterrent opioid formula-  
14 tion” means an opioid that—

15 (A) has been manufactured with certain  
16 abuse-deterrent properties, such as [...] [*Any*  
17 *examples to help define what an “abuse-deterrent*  
18 *property” is?*]; and

19 (B) includes abuse-deterrent product label-  
20 ing information.

21 (2) APPLICABLE INDIVIDUAL.—The term “ap-  
22 plicable individual” means an individual enrolled in  
23 an MA-PD plan under part C of title XVIII or a  
24 prescription drug plan under part D of such title  
25 who is prescribed an opioid.

1           (3) AT-RISK BENEFICIARY FOR PRESCRIPTION  
2           DRUG ABUSE.—The term “at-risk beneficiary for  
3           prescription drug abuse” has the meaning given  
4           such term in section 1860D–4(c)(5)(C) of the Social  
5           Security Act (42 U.S.C. 1395w–104(c)(5)(C)).