

2025 South Dakota Legislature

House Bill 1137**AMENDMENT 1137A
FOR THE INTRODUCED BILL**

1 **An Act to establish coverage provisions related to the treatment of pain with non-**
2 **opioid drugs.**

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

4 **~~Section 1. That a NEW SECTION be added to chapter 28-6:~~**

5 ~~The Department of Social Services shall establish a preferred drug list for the medical~~
6 ~~assistance program. The department may amend the preferred drug list at any time.~~

7 ~~When establishing or amending the preferred drug list, the department shall ensure that a~~
8 ~~non-opioid drug approved by the United States Food and Drug Administration for the~~
9 ~~treatment or management of pain is not disadvantaged or discouraged with respect to~~
10 ~~coverage relative to any opioid or narcotic drug for the treatment or management of pain on~~
11 ~~the preferred drug list.~~

12 ~~This section applies to a non-opioid drug immediately upon its approval by the United States~~
13 ~~Food and Drug Administration for the treatment or management of pain, regardless of~~
14 ~~whether the drug has been reviewed by the department for inclusion on the preferred drug~~
15 ~~list.~~

16 **Section 1. That a NEW SECTION be added to chapter 58-17:**

17 ~~In establishing and maintaining its formulary, any insurer offering a A policy or~~
18 ~~certificate~~ of health insurance that is delivered, issued for delivery, or renewed in this
19 state, or any self-funded employee benefit plan, to the extent not preempted by federal
20 law, must ~~ensure that a~~ provide coverage for a broad spectrum of pain management
21 medications, including non-opioid drug options that are alternatives to opioid drugs, if
22 prescribed by a health care provider authorized to prescribe the drug.

23 ~~A policy of health insurance that is delivered, issued for delivery, or renewed in this~~
24 ~~state, or any self-funded employee benefit plan, to the extent not preempted by federal~~

1 law, may not, for coverage relative to pain management medications, establish utilization
2 controls, including prior authorization or step therapy requirements, for a clinically
3 appropriate non-opioid drug approved by the United States Food and Drug Administration
4 for the treatment or management of pain ~~is not disadvantaged or discouraged with respect~~
5 ~~to coverage relative to,~~ which are more restrictive or extensive than the least restrictive
6 or extensive utilization controls applicable to any clinically appropriate opioid ~~or narcotic~~
7 ~~drug for the treatment or management of pain on the formulary drug.~~

8 The benefits provided in this section are subject to the same dollar limits,
9 deductible, coinsurance, and other restrictions established for other benefits covered by
10 the policy or plan.

11 ~~This section applies to a non-opioid drug immediately upon its approval by the~~
12 ~~United States Food and Drug Administration for the treatment or management of pain,~~
13 ~~regardless of whether the drug has been reviewed for inclusion on the formulary.~~

14 **~~Section 2. That a NEW SECTION be added to chapter 58-17:~~**

15 ~~When a health care professional prescribes a non-opioid drug for the treatment of or~~
16 ~~management of pain, a health insurer, or a self-funded employee benefit plan, to the extent~~
17 ~~not preempted by federal law, may not deny coverage of the non-opioid drug in favor of an~~
18 ~~opioid drug.~~

19 ~~If a policy or certificate of health insurance delivered, issued for delivery, or renewed in this~~
20 ~~state, or a self-funded employee benefit plan, to the extent not preempted by federal law,~~
21 ~~restricts coverage of a non-opioid drug for the treatment or management of pain, the~~
22 ~~prescribing health care professional must be granted an exception to the restriction, if the~~
23 ~~professional confirms that, based on the professional's clinical judgment, the non-opioid drug~~
24 ~~is appropriate for the patient's treatment.~~