



2026 South Dakota Legislature

House Bill 1085

Introduced by: **Representative Mulder**

1 **An Act to establish provisions for the coverage of nonopioid prescription drugs.**

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

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

4 A policy of health insurance subject to this chapter and delivered, issued for
5 delivery, or renewed in this state, may not deny coverage of a nonopioid prescription drug
6 in favor of an opioid prescription drug if a licensed physician or other authorized health
7 care practitioner has prescribed a nonopioid drug for the treatment of pain.

8 A health insurer may not, for a clinically appropriate nonopioid drug, establish prior
9 authorization requirements, step therapy requirements, or other utilization controls, that
10 are more restrictive or extensive than the least restrictive or extensive requirements or
11 controls applicable to any clinically appropriate opioid or narcotic drug or other controlled
12 substance.

13 If a health insurer maintains a formulary that groups prescription drugs into tiers
14 for the purpose of cost sharing, the insurer may not place any nonopioid drugs on a tier
15 with a cost sharing responsibility that exceeds the lowest cost sharing responsibility
16 required for any opioid or narcotic drug.