



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

SB1238

Introduced 1/24/2025, by Sen. Karina Villa

SYNOPSIS AS INTRODUCED:

20 ILCS 2310/2310-735 new
215 ILCS 5/370c.3 new
305 ILCS 5/5-58 new

Creates the Nonopioid Alternatives for Pain Act. Allows the Department of Public Health to develop and publish on its website a nonopioid alternatives pamphlet, with certain requirements. Prohibits a health insurance issuer to deny coverage of a nonopioid prescription drug in favor of an opioid prescription drug. Amends the Illinois Public Aid Code. Provides that coverage shall not be denied for a nonopioid prescription drug in favor of an opioid prescription drug. Requires that nonopioid drugs preferred on a specific list for the treatment or management of pain shall not be disadvantaged or discouraged with respect to coverage relative to any opioid or narcotic drug for the treatment or management of pain. Effective July 1, 2027.

LRB104 09624 BDA 19689 b

1 AN ACT concerning health.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Department of Public Health Powers and
5 Duties Law of the Civil Administrative Code of Illinois is
6 amended by adding Section 2310-735 as follows:

7 (20 ILCS 2310/2310-735 new)

8 Sec. 2310-735. Nonopioid alternatives pamphlet. The
9 Department of Public Health may develop and publish on its
10 website an educational pamphlet regarding the use of nonopioid
11 alternatives for the treatment of acute nonoperative, acute
12 perioperative, subacute, or chronic pain. The pamphlet may
13 conform with the United States Department of Health and Human
14 Services' Pain Management Best Practices Inter-Agency Task
15 Force recommendations and shall include:

16 (1) information on available nonopioid alternatives
17 for the treatment of pain, including available nonopioid
18 medicinal drugs or drug products and nonpharmacological
19 therapies; and

20 (2) the advantages and disadvantages of the use of
21 nonopioid alternatives.

22 Section 10. The Illinois Insurance Code is amended by

1 adding Sections 370c.3 as follows:

2 (215 ILCS 5/370c.3 new)

3 Sec. 370c.3. Coverage for nonopioid medications; pain
4 relief parity.

5 (a) In this Section, "health insurance issuer" has the
6 meaning set forth in Section 5 of the Illinois Health
7 Insurance Portability and Accountability Act.

8 (b) Notwithstanding any provision of law to the contrary,
9 when a licensed health care practitioner prescribes a
10 nonopioid medication for the treatment of acute pain, it shall
11 be unlawful for a health insurance issuer to deny coverage of
12 the nonopioid prescription drug in favor of an opioid
13 prescription drug or to require the patient to try an opioid
14 prescription drug prior to providing coverage of the nonopioid
15 prescription drug.

16 (c) In establishing and maintaining its drug formulary, a
17 health insurance issuer shall ensure that no nonopioid drug
18 approved by the United States Food and Drug Administration for
19 the treatment or management of pain shall be disadvantaged or
20 discouraged, with respect to coverage or cost sharing,
21 relative to any opioid or narcotic drug for the treatment or
22 management of pain on the health insurance issuer's drug
23 formulary, where impermissible disadvantaging or
24 discouragement includes, without limitation: imposing more
25 restrictive coverage criteria on any such nonopioid drug than

1 the least restrictive coverage criteria imposed on an opioid
2 or narcotic drug; establishing more restrictive or more
3 extensive utilization controls, including, but not limited to,
4 more restrictive or more extensive prior authorization or step
5 therapy requirements, for such nonopioid drug than the least
6 restrictive or extensive utilization controls applicable to
7 any such opioid or narcotic drug; or, if the health insurance
8 issuer maintains a drug formulary grouped into tiers for the
9 purposes of determining cost sharing, placing any such
10 nonopioid drug on a tier that requires a cost-sharing
11 responsibility that exceeds the lowest cost-sharing
12 responsibility required for any opioid or narcotic drug on the
13 drug formulary. This subsection does not preclude opioid drugs
14 from being preferred over other opioid drugs or nonopioid
15 drugs from being preferred over other nonopioid drugs.

16 Section 15. The Illinois Public Aid Code is amended by
17 adding Section 5-58 as follows:

18 (305 ILCS 5/5-58 new)

19 Sec. 5-58. Coverage for nonopioid medications; pain relief
20 parity.

21 (a) Required coverage for nonopioid medications.
22 Notwithstanding any provision of law to the contrary, whenever
23 a licensed health care practitioner prescribes a nonopioid
24 medication for the treatment of acute pain, neither the

1 Department nor a managed care organization contracted with the
2 Department shall deny coverage of the nonopioid prescription
3 drug in favor of an opioid prescription drug or require a
4 patient to try an opioid prescription drug prior to providing
5 coverage of the nonopioid prescription drug.

6 (b) Pain relief parity. In establishing and maintaining
7 the Illinois Medicaid Preferred Drug List, the Department
8 shall ensure that nonopioid drugs preferred on the
9 Department's preferred drug list, and approved by the U.S.
10 Food and Drug Administration, for the treatment or management
11 of pain shall not be disadvantaged or discouraged with respect
12 to coverage relative to any opioid or narcotic drug for the
13 treatment or management of pain.

14 Section 99. Effective date. This Act takes effect January
15 1, 2027.