

ALEC EXPOSED

"ALEC" has long been a secretive collaboration between Big Business and "conservative" politicians. Behind closed doors, they ghostwrite "model" bills to be introduced in state capitols across the country. This agenda--underwritten by global corporations--includes major tax loopholes for big industries and the super rich, proposals to offshore U.S. jobs and gut minimum wage, and efforts to weaken public health, safety, and environmental protections. Although many of these bills have become law, until now, their origin has been largely unknown. With **ALEC EXPOSED**, the Center for Media and Democracy hopes more Americans will study the bills to understand the depth and breadth of how big corporations are changing the legal rules and undermining democracy across the nation.

ALEC's Corporate Board
--in recent past or present

- AT&T Services, Inc.
- centerpoint360
- UPS
- Bayer Corporation
- GlaxoSmithKline
- Energy Future Holdings
- Johnson & Johnson
- Coca-Cola Company
- PhRMA
- Kraft Foods, Inc.
- Coca-Cola Co.
- Pfizer Inc.
- Reed Elsevier, Inc.
- DIAGEO
- Peabody Energy
- Intuit, Inc.
- Koch Industries, Inc.
- ExxonMobil
- Verizon
- Reynolds American Inc.
- Wal-Mart Stores, Inc.
- Salt River Project
- Altria Client Services, Inc.
- American Bail Coalition
- State Farm Insurance

For more on these corporations, search at www.SourceWatch.org.

& MEETINGS

DID YOU KNOW? Corporations VOTED to adopt this. Through ALEC, global companies work as "equals" in "unison" with politicians to write laws to govern your life. Big Business has "a VOICE and a VOTE," according to newly exposed documents. **DO YOU?**

Did you know the NRA--the National Rifle Association--was the corporate co-chair in 2011?

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Prescription Non-Narcotic Assured Access Act

Summary

Narcotic analgesics have been extensively used in the management of pain. Through the use of narcotics, patients have been spared a great deal of pain and suffering. In recent years, advances and developments in pharmaceutical technology have led to the development of non-narcotic alternatives that have proven just as effective as narcotics, without the unintended central nervous system side effects, and without addictive properties. Drug addiction and treatment expenses cost the state millions of dollars per year. Patients covered under state Medicaid programs may not have access to these newer products because of prior authorization or prior approval requirements.

This proposed legislation is designed to address a very narrow category of drug products used for the treatment of short-term, moderate pain states. This would assure that all MEDICAID patients have access to the best non-narcotic drug products available. All non-narcotic drugs used for the short term management of pain would not be restricted by any prior approval or prior authorization requirements. All rebates required to be paid to the state pursuant to contract agreements with the Health Care Financing Administration and/or the state, would remain in full force and effect.

The purpose of this Act is to assure access to non-narcotic medicines for the treatment of pain, without restriction, to state Medicaid patients, all individuals under the control of the department of corrections or local jails, and all wards of the state.

Model Legislation

(Title, enhancing clause, etc.)

Section 1. {Short Title} This act may be cited as the Prescription Non-Narcotic Assured Access Act.

Section 2. {Legislative Findings and Intent} The Legislature finds and declares that:

(A) It is the policy of the state to reduce the use of narcotics within the MEDICAID population by making available to physicians prescription non-narcotic drugs that may be prescribed for pain without prior approval or prior authorization.

(B) The state finds that restricting access to non-narcotic drugs for the treatment of pain available to Medicaid patients, all individuals under the control of the department of corrections or local jails, and all wards of the state would restrict the availability of non-narcotic drugs and be an impediment to physicians who wish to prescribe non-narcotic medications for Medicaid patients, all individuals under the control of the department of corrections or local jails, and all wards of the state.

(C) Requiring prior approval or prior authorization restricts the availability of non-narcotic medicines for pain states which may have a damaging effect on medical care by forcing physicians to rely more heavily on addictive narcotic analgesics.

(D) The state finds that the illicit use of narcotics obtained fraudulently or illegally and sold as street drugs continues to be a formidable challenge and has a direct negative economic impact on the state.

Section 3.

(A) The Department of Health Services [or insert appropriate state regulatory authority] shall make available to all MEDICAID patients, all individuals under the control of the department of corrections or local jails, and all wards of the state, and not require any form of prior approval or prior authorization, all prescription pharmaceutical products that meet the following criteria:

(1) The medicine is approved for use by the United States Food & Drug Administration, and;

(2) the medicine is used in the short term management of pain, and;

(3) the medicine is non-narcotic.

(B) The Department of Health Services [or insert appropriate state regulatory authority] to all MEDICAID patients any drug that meets the criteria listed in Section 3(a) within 60 days of when a drug receives an approved indication for the use in pain states or the management of pain from the United States Food & Drug Administration, provided that:

(1) the manufacturer of the drug has a contract with the state to provide drugs for MEDICAID patients and the manufacturer agrees to rebate the state an amount that conforms to the requirements of subsection (c) of Section 1396r-8 of Title 42 of the United States Code, or;

(2) the manufacturer of the drug that does not have a contract with the state has a rebate contract in effect with the United States Health Care Finance Administration and rebates the state monies in accordance with the requirements of subsection (c) of Section 1396r-8 of the United States Code.

(3) No drug shall be subject to these provisions unless (1) or (2) applies (get rid of if you keep either above).

Section 4. {Severability Clause}

Section 5. {Repealer Clause}

Section 6. {Effective Date}

ALEC's Sourcebook of American State Legislation 1995

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