

26 | that:

27 | 1. Is associated with a particular cancer at a particular
 28 | stage or with the treatment of that cancer; and

29 | 2. In the judgment of a health care provider, will further
 30 | jeopardize the health of a patient if left untreated. As used in
 31 | this subparagraph, the term "health care provider" means a
 32 | physician licensed under chapter 458, chapter 459, or chapter
 33 | 461, a physician assistant licensed under chapter 458 or chapter
 34 | 459, an advanced practice registered nurse licensed under
 35 | chapter 464, or a dentist licensed under chapter 466.

36 | ~~(b)(a)~~ "Medical literature" means scientific studies
 37 | published in a United States peer-reviewed national professional
 38 | journal.

39 | ~~(c)(b)~~ "Standard reference compendium" means authoritative
 40 | compendia identified by the Secretary of the United States
 41 | Department of Health and Human Services and recognized by the
 42 | federal Centers for Medicare and Medicaid Services.

43 | (2) COVERAGE FOR TREATMENT OF CANCER.—

44 | ~~(a)~~ An insurer may not exclude coverage in any individual
 45 | or group health insurance policy or health maintenance
 46 | organization contract issued, amended, delivered, or renewed in
 47 | this state which covers the treatment of cancer for any drug
 48 | prescribed for the treatment of cancer on the ground that the
 49 | drug is not approved by the United States Food and Drug
 50 | Administration for a particular indication, if that drug is

51 recognized for treatment of that indication in a standard
 52 reference compendium or recommended in the medical literature.

53 ~~(b) Coverage for a drug required by this section also~~
 54 ~~includes the medically necessary services associated with the~~
 55 ~~administration of the drug.~~

56 (3) COVERAGE FOR TREATMENT OF STAGE 4 METASTATIC CANCER
 57 AND ASSOCIATED CONDITIONS.—

58 (a) An insurer may not require in any individual or group
 59 health insurance policy or health maintenance organization
 60 contract issued, amended, delivered, or renewed in this state
 61 which covers the treatment of stage 4 metastatic cancer and its
 62 associated conditions that, before a drug prescribed for the
 63 treatment is covered, the insured or subscriber fail or have
 64 previously failed to successfully respond to a different drug.

65 (b) Paragraph (a) applies to a drug that is recognized for
 66 the treatment of such stage 4 metastatic cancer or its
 67 associated conditions, as applicable, in a standard reference
 68 compendium or that is recommended in the medical literature. The
 69 insurer may not exclude coverage for such drug on the ground
 70 that the drug is not approved by the United States Food and Drug
 71 Administration for such stage 4 metastatic cancer or its
 72 associated conditions, as applicable.

73 (4) COVERAGE FOR SERVICES ASSOCIATED WITH DRUG
 74 ADMINISTRATION.—Coverage for a drug required by this section
 75 also includes the medically necessary services associated with

76 | the administration of the drug.

77 | (5)~~(3)~~ APPLICABILITY AND SCOPE.—This section may not be
78 | construed to:

79 | (a) Alter any other law with regard to provisions limiting
80 | coverage for drugs that are not approved by the United States
81 | Food and Drug Administration.

82 | (b) Require coverage for any drug if the United States
83 | Food and Drug Administration has determined that the use of the
84 | drug is contraindicated.

85 | (c) Require coverage for a drug that is not otherwise
86 | approved for any indication by the United States Food and Drug
87 | Administration.

88 | (d) Affect the determination as to whether particular
89 | levels, dosages, or usage of a medication associated with bone
90 | marrow transplant procedures are covered under an individual or
91 | group health insurance policy or health maintenance organization
92 | contract.

93 | (e) Apply to specified disease or supplemental policies.

94 | ~~(f) (4) Nothing in this section is intended,~~ Expressly or
95 | by implication, ~~to~~ create, impair, alter, limit, modify,
96 | enlarge, abrogate, prohibit, or withdraw any authority to
97 | provide reimbursement for drugs used in the treatment of any
98 | other disease or condition.

99 | Section 2. This act shall take effect January 1, 2021.