

As Reported by the Senate Health, Human Services and Medicaid
Committee

133rd General Assembly

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S. B. No. 252

Senators Hackett, Craig

Cosponsors: Senators Brenner, Kunze, Lehner, Thomas, Williams, Yuko, Schuring

A BILL

To enact sections 3902.50 and 3902.51 of the 1
Revised Code to prohibit "fail first" coverage 2
of drugs used to treat stage four advanced 3
metastatic cancer. 4

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That sections 3902.50 and 3902.51 of the 5
Revised Code be enacted to read as follows: 6

Sec. 3902.50. As used in sections 3902.50 and 3902.51 of 7
the Revised Code: 8

(A) "Associated conditions" means the symptoms or side 9
effects of stage four advanced metastatic cancer, or the 10
treatment thereof, which would, in the judgment of the health 11
care practitioner in question, jeopardize the health of a 12
covered individual if left untreated. 13

(B) "Covered person," "health benefit plan," and "health 14
plan issuer" have the same meanings as in section 3922.01 of the 15
Revised Code. 16

(C) "Stage four advanced metastatic cancer" means a cancer 17
that has spread from the primary or original site of the cancer 18
to nearby tissues, lymph nodes, or other areas or parts of the 19
body. 20

Sec. 3902.51. (A) Notwithstanding section 3901.71 and 21
sections 3901.831 to 3901.833 of the Revised Code, a health 22
benefit plan issued, delivered, or renewed in this state on or 23
after the effective date of this section that directly or 24
indirectly covers the treatment of stage four advanced 25
metastatic cancer shall not make coverage of a drug that is 26
prescribed to treat such cancer or associated conditions 27
dependent upon a covered person demonstrating either of the 28
following: 29

(1) Failure to successfully respond to a different drug; 30

(2) A history of failing to respond to a different drug or 31
drugs. 32

(B) Division (A) of this section applies only to uses of 33
such drug or drugs that are consistent with either of the 34
following: 35

(1) An indication approved by, or described in, as 36
applicable, either of the following for the treatment of stage 37
four advanced metastatic cancer: 38

(a) The United States food and drug administration; 39

(b) The national comprehensive cancer network drugs and 40
biologics compendium. 41

(2) The best practices for the treatment of stage four 42
advanced metastatic cancer, as supported by peer-reviewed 43
medical literature. 44

<u>(C) A violation of this section is an unfair and deceptive</u>	45
<u>practice in the business of insurance under sections 3901.19 to</u>	46
<u>3901.26 of the Revised Code.</u>	47