

1                                   **TREATMENT MEDICATION AMENDMENTS**

2                                                           2019 GENERAL SESSION

3                                                           STATE OF UTAH

4                                   **Chief Sponsor: Karen Mayne**

5                                   House Sponsor: \_\_\_\_\_

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7 **LONG TITLE**

8 **General Description:**

9                   This bill amends provisions relating to health insurance coverage for cancer treatment.

10 **Highlighted Provisions:**

11                   This bill:

12                   ▶ prohibits a health benefit plan from requiring step therapy for certain drugs used to  
13 treat stage-IV advanced metastatic cancer or associated conditions.

14 **Money Appropriated in this Bill:**

15                   None

16 **Other Special Clauses:**

17                   None

18 **Utah Code Sections Affected:**

19 AMENDS:

20                   **31A-22-641**, as enacted by Laws of Utah 2013, Chapter 164

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22 *Be it enacted by the Legislature of the state of Utah:*

23                   Section 1. Section **31A-22-641** is amended to read:

24                   **31A-22-641. Cancer treatment parity -- Prohibition on step therapy for certain**  
25 **cancer treatment.**

26                   (1) For purposes of this section:

27                   (a) "Cost sharing" means the enrollee's maximum out-of-pocket costs as defined by the



28 health benefit plan.

29 (b) "Health insurer" is as defined in Subsection 31A-22-634(1).

30 (c) "Intravenously administered chemotherapy" means a physician-prescribed cancer  
31 treatment that is used to kill or slow the growth of cancer cells, that is administered through  
32 injection directly into the patient's circulatory system by a physician, physician assistant, nurse  
33 practitioner, nurse, or other medical personnel under the supervision of a physician, and in a  
34 hospital, medical office, or other clinical setting.

35 (d) "Oral chemotherapy" means a United States Food and Drug  
36 Administration-approved, physician-prescribed cancer treatment that is used to kill or slow the  
37 growth of cancer cells, that is taken orally in the form of a tablet or capsule, and may be  
38 administered in a hospital, medical office, or other clinical setting or may be delivered to the  
39 patient for self-administration under the direction or supervision of a physician outside of a  
40 hospital, medical office, or other clinical setting.

41 (2) (a) This ~~[section]~~ Subsection (2) applies to health benefit plans renewed or entered  
42 into on or after October 1, 2013.

43 ~~[(3)]~~ (b) A health benefit plan that covers prescribed oral chemotherapy and  
44 intravenously administered chemotherapy shall:

45 ~~[(a)]~~ (i) except as provided in Subsection ~~[(3)(b)]~~ (2)(b)(ii), ensure that the cost sharing  
46 applied to the covered oral chemotherapy is no more restrictive than the cost sharing applied to  
47 the covered intravenously administered chemotherapy; or

48 ~~[(b)]~~ (ii) if the cost sharing for oral chemotherapy is more restrictive than the cost  
49 sharing for intravenous chemotherapy, the health benefit plan may not apply cost sharing for  
50 the oral chemotherapy that exceeds \$300 per filled prescription.

51 ~~[(4)(a)]~~ (c) (i) A health insurer shall not increase the cost sharing for intravenously  
52 administered chemotherapy for the purpose of achieving compliance with this section.

53 ~~[(b)]~~ (ii) The commissioner may adopt administrative rules in accordance with Title  
54 63G, Chapter 3, Utah Administrative Rulemaking Act, to enforce the provisions of this section.

55 (3) (a) This Subsection (3) applies to a health benefit plan entered into or renewed on  
56 or after January 1, 2020.

57 (b) A health benefit plan may not make coverage of a prescription drug dependent on  
58 the completion of a fail-first or other step therapy protocol if use of the prescription drug is:

- 59           (i) approved by the United States Food and Drug Administration;  
60           (ii) indicated for treatment of stage-IV advanced metastatic cancer by:  
61           (A) the United States Food and Drug Administration; or  
62           (B) the National Comprehensive Cancer Network Drugs and Biologics Compendium;  
63           (iii) for treatment of the enrollee's stage-IV advanced metastatic cancer or an associated  
64 condition; and  
65           (iv) supported by peer-reviewed medical literature.