



SPONSOR: Rep. Longhurst & Rep. Schwartzkopf & Rep. Miro & Rep. Ramone & Sen. McBride & Sen. Bushweller & Sen. Townsend & Sen. Sokola  
Reps. Bennett, Bentz, Briggs King, Gray, Heffernan, Hudson, Jaques, J. Johnson, Q. Johnson, Kowalko, Lynn, Matthews, Osienski, Outten, Paradee, B. Short, Spiegelman, K. Williams, Wilson; Sens. Hansen, Henry, Lopez

HOUSE OF REPRESENTATIVES  
149th GENERAL ASSEMBLY

HOUSE BILL NO. 120

AN ACT TO AMEND TITLE 18 OF THE DELAWARE CODE RELATING TO INSURANCE COVERAGE OF CERTAIN CANCER TREATMENTS.

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

1 Section 1. Amend Chapter 33, Title 18 of the Delaware Code by making deletions as shown by strike through and  
2 insertions as shown by underline as follows:

3 § 3338B. Coverage of drugs approved for treatment of certain cancers.

4 No individual policy or contract of health insurance, or certificate issued thereunder, which is delivered, issued for  
5 delivery, renewed, modified, altered, or amended in this State by any health insurer, health service corporation or health  
6 maintenance organization that directly or indirectly covers the treatment of stage 4 advanced metastatic cancer shall limit or  
7 exclude coverage for a drug approved by the United States Food and Drug Administration by mandating that the insured  
8 shall first be required to fail to successfully respond to a different drug or drugs or prove a history of failure of such drug or  
9 drugs; provided, however that the use of such drug or drugs is consistent with best practices for the treatment of stage 4  
10 advanced, metastatic cancer and is supported by peer reviewed medical literature.

11 Section 2. Amend Chapter 35, Title 18 of the Delaware Code by making deletions as shown by strike through and  
12 insertions as shown by underline as follow:

13 § 3555B. Coverage of drugs approved for treatment of certain cancers.

14 No group or blanket policy or contract of health insurance, or certificate issued thereunder which is delivered,  
15 issued for delivery, renewed, modified, altered, or amended in this State that directly or indirectly covers the treatment of  
16 stage 4 advanced metastatic cancer shall limit or exclude coverage for a drug approved by the United States Food and Drug  
17 Administration by mandating that the insured shall first be required to fail to successfully respond to a different drug or  
18 drugs or prove a history of failure of such drug or drugs; provided, however that the use of such drug or drugs is consistent

19 with best practices for the treatment of stage 4 advanced, metastatic cancer and is supported by peer reviewed medical  
20 literature.

21 Section 3. This Act shall apply to all enumerated policies, contracts, or certificates issued, delivered, renewed,  
22 modified, altered, or amended in this State on or after September 1, 2017.

#### SYNOPSIS

This Act requires health insurance policies to cover any medically appropriate drug approved by the FDA for the treatment of stage 4 metastatic cancer without requiring a patient to first prove that the patient failed to respond to a different drug or drugs. This Act is based on a similar bill in Georgia that was inspired by President Jimmy Carter's recent battle with cancer.