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
AS AMENDED BY
HOUSE AMENDMENT NO. 1

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:

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

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

No individual policy or contract of health insurance, or certificate issued thereunder, which is delivered, issued for delivery, renewed, modified, altered, or amended in this State by any health insurer, health service corporation or health maintenance organization that directly or indirectly covers the treatment of cancer shall limit or exclude coverage for a drug approved by the United States Food and Drug Administration by mandating that the insured 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 drugs; provided, however that the use of such drug or drugs is consistent with best practices for the treatment of stage 4 advanced, metastatic cancer or, in the case of other cancers, the use of the drug is supported by national clinical guidelines, national standards of care, or peer reviewed medical literature for the treatment of the cancer, or in the case of targeted therapy, the target at issue.

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

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

No group or blanket policy or contract of health insurance, or certificate issued thereunder which is delivered, issued for delivery, renewed, modified, altered, or amended in this State that directly or indirectly covers the treatment of cancer shall limit or exclude coverage for a drug approved by the United States Food and Drug Administration by mandating that the insured shall first be required to fail to successfully respond to a different drug or drugs or prove a

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history of failure of such drug or drugs; provided, however that the use of such drug or drugs is consistent with best practices for the treatment of stage 4 advanced, metastatic cancer or in the case of other cancers, the use of the drug is supported by national clinical guidelines, national standards of care, or for the treatment of the cancer, or in the case of targeted therapy, the target at issue.

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

Section 4. Nothing in this Act shall be used as the basis for any health insurer, health service corporation or health maintenance organization to limit or exclude coverage for a drug approved by the United States Food and Drug Administration for treatment of a medical condition not covered under this Act.