

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2021

H.B. 524
Apr 8, 2021
HOUSE PRINCIPAL CLERK

H

D

HOUSE BILL DRH10196-MR-60

Short Title: Oral Chemo Treatment Access During Pandemic. (Public)

Sponsors: Representative Cunningham.

Referred to:

1 A BILL TO BE ENTITLED
2 AN ACT TO REQUIRE COVERAGE FOR ORALLY ADMINISTERED ANTICANCER
3 DRUGS DURING COVID-19 STATE OF EMERGENCY.

4 Whereas, in recent years, oral chemotherapy treatments have been developed that
5 provide viable alternatives to traditional intravenous cancer treatments for patients; and

6 Whereas, this oral chemotherapy treatment offers the treating physician and the
7 patient a choice in relation to treatment options; and

8 Whereas, this choice is sometimes limited as the oral chemotherapy treatments are in
9 most cases covered under the prescription drug benefit of an insurance plan rather than under the
10 major medical insurance benefit of an insurance plan; and

11 Whereas, the public health emergency makes it difficult for some patients to travel
12 for traditional intravenous cancer treatment; Now, therefore,
13 The General Assembly of North Carolina enacts:

14 **SECTION 1.** The following shall apply to every health benefit plan offered in this
15 State, as defined under G.S. 58-3-167, that provides coverage for prescribed, orally administered
16 anticancer drugs that are used to kill or slow the growth of cancerous cells and that provides
17 coverage for intravenously administered or injected anticancer drugs:

- 18 (1) The health benefit plan shall provide coverage for prescribed, orally
19 administered anticancer drugs on a basis no less favorable than the coverage
20 the plan provides for intravenously administered or injected anticancer drugs.
21 (2) Coverage for orally administered anticancer drugs shall not be subject to any
22 prior authorization, dollar limit, copayment, coinsurance, or deductible
23 provision or to any other out-of-pocket expense that does not apply to
24 intravenously administered or injected anticancer drugs.

25 **SECTION 2.** The Commissioner of Insurance shall have the authority to enforce the
26 provisions of this act and may adopt temporary rules to implement this act.

27 **SECTION 3.** An insurer offering a health benefit plan in this State shall not achieve
28 compliance with this section by reclassifying anticancer drugs or by increasing patient
29 cost-sharing, including any coinsurance, copayment, deductible, or other out-of-pocket expenses
30 imposed on anticancer drugs. Any health benefit plan change that increases an out-of-pocket
31 expense applied to anticancer drugs must also be applied to the majority of comparable medical
32 or pharmaceutical benefits covered by that health benefit plan.

33 **SECTION 4.** This act becomes effective when it becomes law and expires 60 days
34 after the date Executive Order No. 116, Declaration of a State of Emergency to Coordinate
35 Response and Protective Actions to Prevent the Spread of COVID-19, expires or is rescinded.

