

ACT No. 120

2019 Regular Session

HOUSE BILL NO. 370

BY REPRESENTATIVES STOKES, ABRAHAM, ABRAMSON, ADAMS, AMEDEE, ARMES, BACALA, BAGLEY, BARRAS, BERTHELOT, BILLIOT, BISHOP, BRASS, TERRY BROWN, CARMODY, CARPENTER, GARY CARTER, ROBBY CARTER, STEVE CARTER, CHANEY, CONNICK, COUSSAN, COX, DEVILLIER, DUBUISSON, DUPLESSIS, EMERSON, FALCONER, FOIL, FRANKLIN, GAINES, GAROFALO, GISCLAIR, GUINN, JIMMY HARRIS, LANCE HARRIS, HENRY, HILFERTY, HILL, HOFFMANN, HORTON, HUVAL, JACKSON, JEFFERSON, MIKE JOHNSON, ROBERT JOHNSON, JONES, LACOMBE, TERRY LANDRY, LARVADAIN, LEBAS, LEGER, LEOPOLD, LYONS, MARCELLE, MARINO, MCMAHEN, MOORE, PEARSON, POPE, PUGH, PYLANT, RICHARD, SCHEXNAYDER, STAGNI, STEFANSKI, TALBOT, THOMAS, WHITE, AND ZERINGUE AND SENATORS ALARIO, APPEL, BARROW, BOUDREAUX, CHABERT, CORTEZ, DONAHUE, ERDEY, FANNIN, GATTI, HEWITT, JOHNS, LONG, LUNEAU, MARTINY, MILKOVICH, MILLS, MIZELL, MORRELL, PETERSON, GARY SMITH, JOHN SMITH, THOMPSON, WALSWORTH, AND WARD

1 AN ACT

2 To amend and reenact R.S. 22:1053(A) and (D) and to enact R.S. 22:1053(E), (F), and (G),
3 relative to prescription drug benefits for persons with stage-four advanced, metastatic
4 cancer; to prohibit denial of a prescription based upon step therapy or fail first
5 protocols; to provide for an exception; to require notification of prescriptions for
6 associated conditions; to define key terms; to provide for an effective date; and to
7 provide for related matters.

8 Be it enacted by the Legislature of Louisiana:

9 Section 1. R.S. 22:1053(A) and (D) are hereby amended and reenacted and R.S.
10 22:1053(E), (F), and (G) are hereby enacted to read as follows:

11 §1053. Requirement for coverage of step therapy or fail first protocols

12 A. ~~Notwithstanding the provisions of R.S. 22:1047 to the contrary, any~~ Any
13 health ~~care~~ coverage plan specified in Subsection ~~D~~ G of this Section which includes
14 prescription benefits as part of its policy or contract, which utilizes step therapy or
15 fail first protocols, and which is issued for delivery, delivered, renewed, or otherwise

1 contracted for in this state on or after January 1, 2011, shall comply with the
2 provisions of this Section.

3 * * *

4 D. No health coverage plan shall use step therapy or fail first protocols as the
5 basis to restrict any prescription benefit for the treatment of stage-four advanced,
6 metastatic cancer or associated conditions if at least one of the following criteria is
7 met:

8 (1) The prescribed drug or drug regimen has the United States Food and
9 Drug Administration approved indication.

10 (2) The prescribed drug or drug regimen has the National Comprehensive
11 Cancer Network Drugs and Biologics Compendium indication.

12 (3) The prescribed drug or drug regimen is supported by peer-reviewed,
13 evidenced-based medical literature.

14 E. The provisions of Subsection D of this Section shall not apply if the
15 preferred drug or drug regimen is considered clinically equivalent for therapy,
16 contains the identical active ingredient or ingredients, and is proven to have the same
17 efficacy. For purposes of this Subsection, different salts proven to have the same
18 efficacy shall not be considered as different active ingredients.

19 F. For drugs prescribed for associated conditions as defined in this Section,
20 the treating healthcare provider shall inform the health coverage plan that the
21 condition is a condition associated with stage-four advanced, metastatic cancer when
22 requesting authorization.

23 G.(1)(a) As used in this Section, a "health coverage plan" shall mean any
24 hospital, health, or medical expense insurance policy, hospital or medical service
25 contract, employee welfare benefit plan, contract or agreement with a health
26 maintenance organization or a preferred provider organization, health and accident
27 insurance policy, or any other insurance contract of this type, including a group
28 insurance plan and the Office of Group Benefits programs.

29 (b) "Health coverage plan" shall include any plan that is subject to the
30 provisions of this Section which is administered by a pharmacy benefit manager.

1 (2) As used in this Section, "stage-four advanced, metastatic cancer" means
2 cancer that has spread from the lymph nodes or other areas or parts of the body.

3 (3) As used in this Section, "associated conditions" means the symptoms or
4 side effects associated with stage-four advanced, metastatic cancer or its treatment.

5 Section 2. This Act shall become effective upon signature by the governor or, if not
6 signed by the governor, upon expiration of the time for bills to become law without signature
7 by the governor, as provided by Article III, Section 18 of the Constitution of Louisiana. If
8 vetoed by the governor and subsequently approved by the legislature, this Act shall become
9 effective on the day following such approval.

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____