

# HOUSE . . . . . No. 2979

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## The Commonwealth of Massachusetts

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PRESENTED BY:

*Joseph F. Wagner*

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*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act establishing the Jimmy Carter cancer treatment access act.

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PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Joseph F. Wagner</i>	<i>8th Hampden</i>
<i>Tackey Chan</i>	<i>2nd Norfolk</i>
<i>John J. Lawn, Jr.</i>	<i>10th Middlesex</i>
<i>Claire D. Cronin</i>	<i>11th Plymouth</i>
<i>Paul McMurtry</i>	<i>11th Norfolk</i>
<i>Chris Walsh</i>	<i>6th Middlesex</i>
<i>Daniel Cahill</i>	<i>10th Essex</i>
<i>David M. Nangle</i>	<i>17th Middlesex</i>
<i>Brendan P. Crighton</i>	<i>11th Essex</i>
<i>Paul Tucker</i>	<i>7th Essex</i>

# HOUSE . . . . . No. 2979

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By Mr. Wagner of Chicopee, a petition (accompanied by bill, House, No. 2979) of Joseph F. Wagner and others relative to insurance coverage for stage four advanced metastatic cancer. Financial Services.

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## The Commonwealth of Massachusetts

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In the One Hundred and Ninetieth General Court  
(2017-2018)  
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An Act establishing the Jimmy Carter cancer treatment access act.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1           SECTION 1. Chapter 32A of the General Laws is hereby amended by inserting after  
2           section 17O the following section:-

3           Section 17P. For the purposes of this section, the term “stage four advanced, metastatic  
4           cancer” shall mean: cancer that has spread from the primary or original site of the cancer to  
5           nearby tissues, lymph nodes, or other areas or parts of the body.

6           Any coverage offered by the commission to an active or retired employee of the  
7           commonwealth insured under the group insurance commission for treatment of stage four  
8           advanced, metastatic cancer shall not limit or exclude coverage for a drug approved by the  
9           United States Food and Drug Administration by mandating that the insured shall first be required  
10          to fail to successfully respond to a different drug or drugs or prove a history of failure of drug or  
11          drugs; provided, however, that the use of such drug or drugs is consistent with best practices for

the treatment of stage four advanced, metastatic cancer and is supported by peer reviewed medical literature.

SECTION 2. Chapter 118E of the General Laws is hereby amended by inserting after section 10J the following section:-

Section 10K. For the purposes of this section, the term “stage four advanced, metastatic cancer” shall mean: cancer that has spread from the primary or original site of the cancer to nearby tissues, lymph nodes, or other areas or parts of the body.

The division and its contracted health insurers, health plans, health maintenance organizations, behavioral health management firms and third party administrators under contract to a Medicaid managed care organization or primary care clinician plan which provides coverage for the treatment of stage four advanced, metastatic cancer shall not limit or exclude coverage for a drug approved by the United States Food and Drug 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 drug or drugs; provided, however, that the use of such drug or drugs is consistent with best practices for the treatment of stage four advanced, metastatic cancer and is supported by peer reviewed medical literature.

SECTION 3. Chapter 175 of the General Laws is hereby amended by inserting after section 47II the following section:-

Section 47JJ. For the purposes of this section, the term “stage four advanced, metastatic cancer” shall mean: cancer that has spread from the primary or original site of the cancer to nearby tissues, lymph nodes, or other areas or parts of the body.

Any policy, contract, agreement, plan or certificate of insurance issued, delivered or renewed within the commonwealth, which provides coverage for the treatment of stage four advanced, metastatic cancer shall not limit or exclude coverage for a drug approved by the United States Food and Drug 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 drug or drugs; provided, however, that the use of such drug or drugs is consistent with best practices for the treatment of stage four advanced, metastatic cancer and is supported by peer reviewed medical literature.

SECTION 4. Chapter 176A of the General Laws is hereby amended by inserting after section 8KK the following section:-

Section 8LL. For the purposes of this section, the term “stage four advanced, metastatic cancer” shall mean: cancer that has spread from the primary or original site of the cancer to nearby tissues, lymph nodes, or other areas or parts of the body.

Any contract between a subscriber and the corporation under an individual or group hospital service plan which is delivered, issued or renewed within the commonwealth for coverage of treatment for stage four advanced, metastatic cancer shall not limit or exclude coverage for a drug approved by the United States Food and Drug 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 drug or drugs; provided, however, that the use of such drug or drugs is consistent with best practices for the treatment of stage four advanced, metastatic cancer and is supported by peer reviewed medical literature.

SECTION 5. Chapter 176B of the General Laws is hereby amended by inserting after section 4KK the following section:-

Section 4LL. For the purposes of this section, the term “stage four advanced, metastatic cancer” shall mean: cancer that has spread from the primary or original site of the cancer to nearby tissues, lymph nodes, or other areas or parts of the body.

Any subscription certificate under an individual or group medical service agreement delivered, issued or renewed within the commonwealth for coverage of treatment for stage four advanced, metastatic cancer shall not limit or exclude coverage for a drug approved by the United States Food and Drug 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 drug or drugs; provided, however, that the use of such drug or drugs is consistent with best practices for the treatment of stage four advanced, metastatic cancer and is supported by peer reviewed medical literature.

SECTION 6. Chapter 176G of the General Laws is hereby amended by inserting after section 4CC the following section:-

Section 4DD. For the purposes of this section, the term “stage four advanced, metastatic cancer” shall mean: cancer that has spread from the primary or original site of the cancer to nearby tissues, lymph nodes, or other areas or parts of the body.

Any individual or group health maintenance contract that is issued or renewed for coverage of treatment for stage four advanced, metastatic cancer shall not limit or exclude coverage for a drug approved by the United States Food and Drug by mandating that the insured shall first be required to fail to successfully respond to a different drug or drugs or prove a

76 history of failure of drug or drugs; provided, however, that the use of such drug or drugs is  
77 consistent with best practices for the treatment of stage four advanced, metastatic cancer and is  
78 supported by peer reviewed medical literature.