



2021 SENATE BILL 716

November 19, 2021 - Introduced by Senators RINGHAND, AGARD, LARSON and SMITH, cosponsored by Representatives SUBECK, S. RODRIGUEZ, CONLEY, DOYLE, HEBL, HESSELBEIN, OHNSTAD, POPE, SHANKLAND, SINICKI, SNODGRASS, TUSLER and VRUWINK. Referred to Committee on Insurance, Licensing and Forestry.

AUTHORS SUBJECT TO CHANGE

1 **AN ACT** *to renumber* 632.866 (1) (a); and *to create* 632.866 (1) (ag), 632.866 (1)
2 (cm) and 632.866 (2m) of the statutes; **relating to:** prohibiting step therapy
3 protocols for certain cancer drugs.

Analysis by the Legislative Reference Bureau

This bill prohibits an insurer, pharmacy benefit manager, or utilization review organization from requiring a step therapy protocol for a drug that is prescribed for metastatic cancer or a cancer-associated condition and the use of the drug is approved by the federal Food and Drug Administration, consistent with best practices for the treatment of metastatic cancer or the cancer-associated condition, and supported by peer-reviewed publications that are based on evidence-based research. A step therapy protocol, as defined in current law, establishes a specific sequence in which medically appropriate prescription drugs are covered by a policy or plan. Current law requires insurers, pharmacy benefit managers, and utilization review organizations to use clinical review criteria for establishing a step therapy protocol that are based on clinical practice guidelines that meet certain specific criteria and to provide access to a process to request an exception to the step therapy protocol.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

SENATE BILL 716**SECTION 1**

1 **SECTION 1.** 632.866 (1) (a) of the statutes is renumbered 632.866 (1) (ar).

2 **SECTION 2.** 632.866 (1) (ag) of the statutes is created to read:

3 632.866 **(1)** (ag) “Cancer-associated condition” means any symptom or side
4 effect that is associated with metastatic cancer or the treatment of metastatic cancer
5 and that, in the judgment of a health care provider, further jeopardizes the health
6 of a patient if left untreated.

7 **SECTION 3.** 632.866 (1) (cm) of the statutes is created to read:

8 632.866 **(1)** (cm) “Metastatic cancer” means cancer that has spread from the
9 primary or original site of the cancer to nearby tissues, lymph nodes, or other areas
10 or parts of the body.

11 **SECTION 4.** 632.866 (2m) of the statutes is created to read:

12 632.866 **(2m)** STEP THERAPY PROTOCOL PROHIBITED. An insurer, pharmacy
13 benefit manager, or utilization review organization may not require a step therapy
14 protocol for a drug that is prescribed for metastatic cancer or a cancer-associated
15 condition and the use of the drug is all of the following:

16 (a) Approved by the federal food and drug administration.

17 (b) Consistent with best practices for the treatment of metastatic cancer or the
18 cancer-associated condition.

19 (c) Supported by peer-reviewed publications that are based on evidence-based
20 research.

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(END)