

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2021

H.B. 524  
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HOUSE PRINCIPAL CLERK

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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.

