

**Second Regular Session  
Sixty-seventh General Assembly  
STATE OF COLORADO**

**REENGROSSED**

*This Version Includes All Amendments  
Adopted in the House of Introduction*

LLS NO. 10-0417.01 Kristen Forrestal

**HOUSE BILL 10-1202**

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**A BILL FOR AN ACT**

101 **CONCERNING HEALTH BENEFIT COVERAGE FOR CHEMOTHERAPY**  
102 **TREATMENT.**

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**Bill Summary**

*(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://www.leg.state.co.us/billsummaries>.)*

The bill requires a health benefit plan that covers cancer chemotherapy treatment to provide coverage for prescribed, orally administered anticancer medication at a cost to the patient at the same copayment percentage or relative coinsurance amount as is applied to the cost of other cancer medications.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.  
*Capital letters indicate new material to be added to existing statute.  
Dashes through the words indicate deletions from existing statute.*

HOUSE  
Amended 3rd Reading  
February 8, 2010

HOUSE  
Amended 2nd Reading  
February 5, 2010

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1 *Be it enacted by the General Assembly of the State of Colorado:*

2           **SECTION 1. Legislative declaration.** The general assembly  
3 finds that for cancer patients in the United States, there is an inequity in  
4 how much they have to pay toward the cost of an oral medication and  
5 how much they have to pay for an intravenous product that is  
6 administered in a physician's office or clinic. The general assembly  
7 further finds that when these inequities exist, patients' access to medically  
8 necessary, appropriate treatment is often unfairly restricted. The general  
9 assembly also acknowledges that oral chemotherapy is the only treatment  
10 for some types of cancer where there is no intravenous alternative.  
11 Therefore, the general assembly declares that in order to reduce the  
12 out-of-pocket costs for cancer patients whose diagnosis requires treatment  
13 through orally administered anticancer medication, the cost-sharing  
14 responsibilities for these patients shall be equitable to those of patients  
15 receiving intravenously administered anticancer medication.

16           **SECTION 2.** 10-16-104, Colorado Revised Statutes, is amended  
17 BY THE ADDITION OF A NEW SUBSECTION to read:

18           **10-16-104. Mandatory coverage provisions - definitions.**

19 (21) **Oral anticancer medication.** (a) ANY HEALTH BENEFIT PLAN THAT  
20 PROVIDES COVERAGE FOR CANCER CHEMOTHERAPY TREATMENT SHALL  
21 PROVIDE COVERAGE FOR PRESCRIBED, ORALLY ADMINISTERED  
22 ANTICANCER MEDICATION THAT HAS BEEN APPROVED BY THE FEDERAL  
23 FOOD AND DRUG ADMINISTRATION AND IS USED TO KILL OR SLOW THE  
24 GROWTH OF CANCEROUS CELLS. THE ORALLY ADMINISTERED MEDICATION  
25 SHALL BE PROVIDED AT A COST TO THE COVERED PERSON NOT TO EXCEED  
26 THE COINSURANCE PERCENTAGE OR THE COPAYMENT AMOUNT AS IS

1 APPLIED TO AN INTRAVENOUSLY ADMINISTERED OR AN INJECTED CANCER  
2 MEDICATION PRESCRIBED FOR THE SAME PURPOSE. A MEDICATION  
3 PROVIDED PURSUANT TO THIS SUBSECTION (21) SHALL BE PRESCRIBED  
4 ONLY UPON A FINDING THAT IT IS MEDICALLY NECESSARY BY THE  
5 TREATING PHYSICIAN FOR THE PURPOSE OF KILLING OR SLOWING THE  
6 GROWTH OF CANCEROUS CELLS IN A MANNER THAT IS IN ACCORDANCE  
7 WITH NATIONALLY ACCEPTED STANDARDS OF MEDICAL PRACTICE,  
8 CLINICALLY APPROPRIATE IN TERMS OF TYPE, FREQUENCY, EXTENT SITE,  
9 AND DURATION, AND NOT PRIMARILY FOR THE CONVENIENCE OF THE  
10 PATIENT, PHYSICIAN, OR OTHER HEALTH CARE PROVIDER. THIS  
11 SUBSECTION (21) DOES NOT REQUIRE THE USE OF ORALLY ADMINISTERED  
12 MEDICATIONS AS A REPLACEMENT FOR OTHER CANCER MEDICATIONS.  
13 NOTHING IN THIS SUBSECTION (21) PROHIBITS COVERAGE FOR ORAL  
14 GENERIC MEDICATIONS IN A HEALTH BENEFIT PLAN. NOTHING IN THIS  
15 SUBSECTION (21) PROHIBITS A CARRIER FROM APPLYING AN APPROPRIATE  
16 FORMULARY OR OTHER CLINICAL MANAGEMENT TO ANY MEDICATION  
17 DESCRIBED IN THIS SUBSECTION (21).

18 (b) A CARRIER SHALL NOT ACHIEVE COMPLIANCE WITH THIS  
19 SUBSECTION (21) BY IMPOSING AN INCREASE IN PATIENT OUT-OF-POCKET  
20 COSTS WITH RESPECT TO ANTI-CANCER MEDICATIONS USED TO KILL OR  
21 SLOW THE GROWTH OF CANCEROUS CELLS COVERED UNDER A POLICY  
22 BEYOND THE MODIFICATIONS PERMITTED PURSUANT TO SECTION  
23 10-16-201.5 (8).

24 **SECTION 3. Specified effective date - applicability.** This act  
25 shall take effect November 1, 2010, and shall apply to policies issued or  
26 renewed on or after the effective date of this act.

27 **SECTION 4. Safety clause.** The general assembly hereby finds,

- 1 determines, and declares that this act is necessary for the immediate
- 2 preservation of the public peace, health, and safety.