

*Tim Smith*

AMENDMENT NO. 1

Calendar No. \_\_\_\_\_

Purpose: To amend the Public Health Service Act to require group and individual health insurance coverage and group health plans to provide for cost sharing for oral anticancer drugs on terms no less favorable than the cost sharing provided for anticancer medications administered by a health care provider.

**IN THE SENATE OF THE UNITED STATES—116th Cong., 1st Sess.**

**S. 1895**

To lower health care costs.

Referred to the Committee on \_\_\_\_\_ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Ms. Smith (for herself and Mr. Moran)

Viz:

1 At the appropriate place, insert the following:

2 **SEC. \_\_\_\_ . PARITY IN COST SHARING FOR ORAL**  
3 **ANTICANCER DRUGS.**

4 (a) REQUIREMENT.—

5 (1) IN GENERAL.—Section 2719A of the Public  
6 Health Service Act (42 U.S.C. 300gg-19a) is  
7 amended by adding at the end the following new  
8 subsection:

9 “(e) PARITY IN COST SHARING FOR ORAL  
10 ANTICANCER DRUGS.—

1           “(1) IN GENERAL.—Subject to paragraph (2), a  
2           group health plan, and a health insurance issuer of-  
3           fering group or individual health insurance coverage,  
4           that provides benefits with respect to anticancer  
5           medications administered by a health care provider  
6           shall provide that any cost sharing for prescribed,  
7           patient-administered anticancer medications that are  
8           used to kill, slow, or prevent the growth of cancerous  
9           cells and that have been approved by the Food and  
10          Drug Administration is no less favorable than the  
11          cost sharing for anticancer medications that is intra-  
12          venously administered or injected by a health care  
13          provider.

14          “(2) LIMITATION.—Paragraph (1) shall only  
15          apply to an anticancer medication that is prescribed  
16          based on a finding by the treating physician that the  
17          medication—

18                 “(A) is medically necessary for the purpose  
19                 of killing, slowing, or preventing the growth of  
20                 cancerous cells; or

21                 “(B) is clinically appropriate in terms of  
22                 type, frequency, extent site, and duration.

23          “(3) RESTRICTION ON CERTAIN CHANGES.—A  
24          group health plan or health insurance issuer may  
25          not, in order to comply with the requirement of

1 paragraph (1), make changes to benefits or replace  
2 existing benefits with new benefits under the plan or  
3 health insurance coverage designed to have the effect  
4 of—

5 “(A) imposing an increase in out-of-pocket  
6 costs with respect to anticancer medications;

7 “(B) reclassifying benefits with respect to  
8 anticancer medications in a way that would in-  
9 crease such costs; or

10 “(C) applying more restrictive limitations  
11 on prescribed orally administered anticancer  
12 medications than on intravenously administered  
13 or injected anticancer medications.

14 “(4) CONSTRUCTION.—Nothing in this sub-  
15 section shall be construed—

16 “(A) to require the use of orally adminis-  
17 tered anticancer medications as a replacement  
18 for other anticancer medications;

19 “(B) to prohibit a group health plan or  
20 health insurance issuer from requiring prior au-  
21 thorization or imposing other appropriate utili-  
22 zation controls in approving coverage for any  
23 chemotherapy; or

24 “(C) to supersede a State law that pro-  
25 vides greater protections with respect to the

1 coverage with respect to orally administered  
2 anticancer medications than is provided under  
3 this subsection.

4 “(5) COST SHARING DEFINED.—In this sub-  
5 section, the term ‘cost sharing’ includes a deductible,  
6 coinsurance, copayment, and any maximum limita-  
7 tion on the application of such a deductible, coinsur-  
8 ance, copayment, and similar out-of-pocket ex-  
9 penses.”.

10 (2) CONFORMING AMENDMENT.—Section  
11 2724(c) of the Public Health Service Act (42 U.S.C.  
12 300gg–23(c)) is amended by striking “section 2704”  
13 and inserting “sections 2719A, 2725, and 2726”.

14 (b) CLARIFYING AMENDMENT REGARDING APPLICA-  
15 TION TO GRANDFATHERED PLANS.—Section  
16 1251(a)(4)(A) of the Patient Protection and Affordable  
17 Care Act (42 U.S.C. 18011(a)(4)(A)) is amended by add-  
18 ing at the end the following new clause:

19 “(v) Section 2719A(e) (relating to  
20 cost sharing for oral anticancer drugs).”.

21 (c) EFFECTIVE DATE.—The amendments made by  
22 this section shall apply with respect to group health plans  
23 for plan years beginning on or after January 1, 2020, and  
24 with respect to health insurance coverage offered, sold,

5.

- 1 issued, renewed, in effect, or operated in the individual
- 2 or group market on or after such date.