

STAND. COM. REP. NO.

1378

Honolulu, Hawaii

MAR 15

, 2019

RE: S.B. No. 493
S.D. 2
H.D. 1

Honorable Scott K. Saiki
Speaker, House of Representatives
Thirtieth State Legislature
Regular Session of 2019
State of Hawaii

Sir:

Your Committee on Health, to which was referred S.B. No. 493,
S.D. 2, entitled:

"A BILL FOR AN ACT RELATING TO HEALTH CARE INSURANCE,"

begs leave to report as follows:

The purpose of this measure is to prohibit health insurers that cover treatment for stage two through stage four cancer from requiring an insured who is diagnosed with stage two through stage four cancer undergo step therapy prior to covering the insured for the drug prescribed by the insured's health care provider, under certain conditions.

Hawaii Medical Association, Hawaii Society of Clinical Oncology, American Society of Clinical Oncology, and two individuals testified in support of this measure. The Hawaii Medical Service Association testified in opposition to this measure. The Department of Commerce and Consumer Affairs and Hawaii Association of Health Plans provided comments.

Your Committee has amended this measure by:

- (1) Amending the coverage requirements to only those insurers who cover stage two cancer, rather than stage two through stage four;

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- (2) Removing language requiring the prescription medication be listed on an approved compendia;
- (3) Removing language relating to off-label use of prescription medication;
- (4) Inserting a definition of "investigational new drug";
- (5) Inserting new language requiring the State Auditor to conduct a review to determine if this measure requires a sunrise analysis or triggers the requirement for the State to defray the cost of a new mandate under section 1311(d)(3) of the federal Patient Protection and Affordable Care Act (P.L. 111-148);
- (6) Requiring the State Auditor to perform an analysis to determine if this measure circumvents the medical necessity provisions in section 432E-1.4, Hawaii Revised Statutes;
- (7) Changing the effective date to July 1, 2050, to promote further discussion; and
- (8) Making technical, nonsubstantive amendments for clarity, consistency, and style.

As affirmed by the record of votes of the members of your Committee on Health that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 493, S.D. 2, as amended herein, and recommends that it pass Second Reading in the form attached hereto as S.B. No. 493, S.D. 2, H.D. 1, and be referred to your Committee on Consumer Protection & Commerce.



Respectfully submitted on
behalf of the members of the
Committee on Health,

John M. Mizuno

JOHN M. MIZUNO, Chair



