

House Bill 965

By: Representatives Cheokas of the 138th, Burns of the 159th, Smyre of the 135th, Dawkins-Haigler of the 91st, Greene of the 151st, and others

A BILL TO BE ENTITLED
AN ACT

1 To amend Chapter 24 of Title 33 of the Official Code of Georgia Annotated, relating to
2 general insurance provisions, so as to provide that no health benefit plan shall require an
3 insured to fail to successfully respond to a drug or drugs for stage four advanced, metastatic
4 cancer prior to the approval of a drug prescribed by his or her physician; to provide for
5 definitions; to provide for a short title; to provide for legislative findings and intent; to
6 provide for related matters; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

8 **SECTION 1.**

9 This Act shall be known and may be cited as "The Honorable Jimmy Carter Cancer
10 Treatment Access Act."

11 **SECTION 2.**

12 WHEREAS, the Honorable Jimmy Carter of Plains, Georgia, announced in August that he
13 had an aggressive form of melanoma skin cancer; and

14 WHEREAS, in that announcement, President Carter detailed that tumors had spread from his
15 skin into his liver and brain. President Carter received surgery, radiation, and multiple doses
16 of another drug; and

17 WHEREAS, on December 6, President Carter revealed that his physicians said that all signs
18 of cancer were gone; and

19 WHEREAS, it is the intent of the General Assembly that every Georgian with health
20 insurance that covers cancer should have the same access to cancer drugs as President Carter.

21 **SECTION 3.**

22 Chapter 24 of Title 33 of the Official Code of Georgia Annotated, relating to general
23 insurance provisions, is amended by adding a new Code section to read as follows:

24 "33-24-59.20.

25 (a) As used in this Code section, the term:

26 (1) 'Health benefit plan' means any hospital, health, or medical expense insurance policy,
27 hospital or medical service contract, employee welfare benefit plan, contract or
28 agreement with a health maintenance organization, subscriber contract or agreement,
29 preferred provider organization, accident and sickness insurance benefit plan, or other
30 insurance contract under any other name. The term shall include any health insurance
31 plan established under Article 1 of Chapter 18 of Title 45 and under Article 7 of
32 Chapter 4 of Title 49, the 'Georgia Medical Assistance Act of 1977.'

33 (2) 'Stage four advanced, metastatic cancer' means cancer that has spread from the
34 primary or original site of the cancer to nearby tissues, lymph nodes, or other areas or
35 parts of the body.

36 (b) No health benefit plan issued, delivered, or renewed in this state that, as a provision of
37 hospital, medical, or surgical services, directly or indirectly covers the treatment of stage
38 four advanced, metastatic cancer shall limit or exclude coverage for a drug approved by the
39 United States Food and Drug Administration by mandating that the insured shall first be
40 required to fail to successfully respond to a different drug or drugs or prove a history of
41 failure of such drug or drugs; provided, however, that the use of such drug or drugs is
42 consistent with best practices for the treatment of stage four advanced, metastatic cancer
43 and is supported by peer reviewed medical literature."

44 **SECTION 4.**

45 All laws and parts of laws in conflict with this Act are repealed.