

SENATE BILL NO. 84

BY SENATOR TALBOT

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

1 AN ACT

2 To enact R.S. 22:1028.3, relative to health insurance coverage; to require health insurance
3 coverage for genetic testing for various cancer mutations; to provide for the
4 definition of health coverage plan; to provide for definitions; and to provide for
5 related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 22:1028.3 is hereby enacted to read as follows:

8 **§1028.3. Required coverage for genetic testing for cancer**

9 **A. The legislature hereby finds that cancer is a leading cause of death in**
10 **this state. Medical advances in genetic testing for various types of cancer**
11 **including but not limited to breast, ovarian, colon, thyroid, prostate, pancreatic,**
12 **lung, melanoma, sarcoma, kidney, and stomach cancers greatly assist in**
13 **estimating the chance of developing cancer in an individual's lifetime. Genetic**
14 **testing can help predict the risk of a particular cancer and assist in determining**
15 **if a patient has genes that may pass increased cancer risks to their children.**

16 **B.(1) Any health coverage plan renewed, delivered, or issued for delivery**
17 **in this state shall include coverage for genetic or molecular testing for cancer**
18 **including but not limited to tumor mutation testing, next generation sequencing,**
19 **hereditary germline mutation testing, pharmacogenomic testing, whole exome**
20 **and genome sequencing, and biomarker testing.**

21 **(2) The coverage provided in this Section may be subject to annual**
22 **deductibles, coinsurance, and copayment provisions as are consistent with those**
23 **established under the health coverage plan. The coverage provided under this**
24 **Section may be subject to applicable evidence-based medical necessity criteria**
25 **under the plan.**

26 **C. For purposes of this Section, "health coverage plan" means any**

1 hospital, health, or medical expense insurance policy, hospital or medical
 2 service contract, employee welfare benefit plan, contract, or other agreement
 3 with a health maintenance organization or a preferred provider organization,
 4 health and accident insurance policy, or any other insurance contract of this
 5 type in this state, including group insurance plan, a self-insurance plan, and the
 6 office of group benefits programs. "Health coverage plan" shall not include a
 7 plan providing coverage for excepted benefits defined in R.S. 22:1061, limited
 8 benefit health insurance plans, and short-term policies that have a term of less
 9 than twelve months.

10 D. As used in this Section, the following definitions shall apply unless the
 11 context indicates otherwise:

12 (1) "Biomarker" means a characteristic that is objectively measured and
 13 evaluated as an indicator of normal biological processes, pathogenic processes,
 14 or pharmacologic responses to a specific therapeutic intervention. Biomarkers
 15 include but are not limited to gene mutations or protein expression.

16 (2) "Biomarker testing" is the analysis of a patient's tissue, blood, or
 17 fluid biospecimen for the presences of a biomarker. Biomarker testing includes
 18 but is not limited to single-analyte tests, multi-plex panel tests, and partial or
 19 whole genome sequencing.

20 Section 2. This Act shall become effective on January 1, 2022, and shall apply to any
 21 health coverage plan as defined in this Act that is renewed, delivered, or issued for delivery,
 22 in this state on or after January 1, 2022.

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____