STATE OF NEW YORK

1462

2021-2022 Regular Sessions

IN SENATE

January 12, 2021

Introduced by Sen. BRESLIN -- read twice and ordered printed, and when printed to be committed to the Committee on Health

AN ACT to amend the public health law, in relation to requiring dihydropyrimidine dehydrogenase deficiency testing for certain individuals with cancer; to amend the insurance law, in relation to requiring policies and contracts of insurance to include coverage for dihydropyrimidine dehydrogenase deficiency testing; and to amend the social services law, in relation to the provision of dihydropyrimidine dehydrogenase deficiency testing under the medical assistance program

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The public health law is amended by adding a new section 2400-a to read as follows:

§ 2400-a. Dihydropyrimidine dehydrogenase deficiency testing. 1. For purposes of this section the following terms shall have the following meanings:

(a) "Antimetabolites" means a substance that interferes with the normal metabolic processes within cells, typically by combining with enzymes.

(b) "Dihydropyrimidine dehydrogenase deficiency" means a condition in which the body cannot break down the nucleotides thymine and uracil.

(c) "Fluoropyrmidine" means a group of substances used to treat cancer through chemotherapy.

2. Every physician or other authorized practitioner who provides fluoropyrmidine or other antimetabolites to individuals diagnosed with cancer shall test for dihydropyrimidine dehydrogenase deficiency prior to such treatment.

§ 2. Subparagraph (A) of paragraph 12-a of subsection (i) of section 3216 of the insurance law, as amended by chapter 12 of the laws of 2012, is amended to read as follows:

EXPLANATION--Matter in *italics* (underscored) is new; matter in brackets [-] is old law to be omitted.

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(A) Every policy delivered or issued for delivery in this state that provides medical, major medical, or similar comprehensive-type coverage and provides coverage for prescription drugs and also provides coverage for cancer chemotherapy treatment shall provide coverage for prescribed, orally administered anticancer medications used to kill or slow the growth of cancerous cells**, and shall provide coverage for dihydropyrimidine dehydrogenase deficiency testing prior to such treatment where such treatment consists of fluoropyrmidine or other antimetabolites**. Such coverage may be subject to co-pays, coinsurance or deductibles, provided that the co-pays, coinsurance or deductibles are at least as favorable to an insured as the co-pays, coinsurance or deductibles that apply to coverage for intravenous or injected anticancer medications.

§ 3. Subparagraph (A) of paragraph 12-a of subsection (l) of section 3221 of the insurance law, as amended by chapter 12 of the laws of 2012, is amended to read as follows:

(A) Every policy delivered or issued for delivery in this state that provides medical, major medical, or similar comprehensive-type coverage and provides coverage for prescription drugs and also provides coverage for cancer chemotherapy treatment shall provide coverage for prescribed, orally administered anticancer medications used to kill or slow the growth of cancerous cells**, and shall provide coverage for dihydropyrimidine dehydrogenase deficiency testing prior to such treatment where such treatment consists of fluoropyrmidine or other antimetabolites**. Such coverage may be subject to co-pays, coinsurance or deductibles, provided that the co-pays, coinsurance or deductibles are at least as favorable to an insured as the co-pays, coinsurance or deductibles that apply to coverage for intravenous or injected anticancer medications.

§ 4. Paragraph 1 of subsection (q-1) of section 4303 of the insurance law, as amended by chapter 12 of the laws of 2012, is amended to read as follows:

(1) Every contract issued by a medical expense indemnity corporation, a hospital service corporation or a health service corporation for delivery in this state that provides medical, major medical or similar comprehensive-type coverage and provides coverage for prescription drugs and for cancer chemotherapy treatment shall provide coverage for prescribed, orally administered anticancer medications used to kill or slow the growth of cancerous cells**, and shall provide coverage for dihydropyrimidine dehydrogenase deficiency testing prior to such treatment where such treatment consists of fluoropyrmidine or other antimetabolites**. Such coverage may be subject to co-pays, coinsurance or deductibles, provided that the co-pays, coinsurance or deductibles are at least as favorable to an insured as the co-pays, coinsurance or deductibles that apply to coverage for intravenous or injected anticancer medications.

§ 5. The social services law is amended by adding a new section 365-o to read as follows:

§ 365-o. Provision of dihydropyrimidine dehydrogenase deficiency testing. 1. The commissioner shall establish standards and guidelines for the provision of dihydropyrimidine dehydrogenase deficiency testing prior to cancer treatment through fluoropyrmidine or other antimetabolites under the medical assistance program.

2. For purposes of this section:

(a) "Antimetabolites" means a substance that interferes with the normal metabolic processes within cells, typically by combining with enzymes.

(b) "Dihydropyrimidine dehydrogenase deficiency" means a condition in which the body cannot break down the nucleotides thymine and uracil.

(c) "Fluoropyrmidine" means a group of substances used to treat cancer through chemotherapy.

§ 6. This act shall take effect on the one hundred twentieth day after it shall have become a law. Effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized to be made and completed on or before such effective date.