



30           **31A-22-641**, Utah Code Annotated 1953



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32 *Be it enacted by the Legislature of the state of Utah:*

33           Section 1. Section **31A-22-641** is enacted to read:

34           **31A-22-641. Cancer treatment parity.**

35           (1) For purposes of this section:

36           (a) "Cost sharing" means the enrollee's maximum out-of-pocket costs as defined by the  
37 health benefit plan.

38           (b) "Health insurer" is as defined in Subsection 31A-22-634(1).

39           (c) "Intravenously administered chemotherapy" means a physician-prescribed cancer  
40 treatment that is used to kill or slow the growth of cancer cells, that is administered through  
41 injection directly into the patient's circulatory system by a physician, physician assistant, nurse  
42 practitioner, nurse, or other medical personnel under the supervision of a physician, and in a  
43 hospital, medical office, or other clinical setting.

44           (d) "Oral chemotherapy" means a United States Food and Drug  
45 Administration-approved, physician-prescribed cancer treatment that is used to kill or slow the  
46 growth of cancer cells, that is taken orally in the form of a tablet or capsule, and may be  
47 administered in a hospital, medical office, or other clinical setting or may be delivered to the  
48 patient for self-administration under the direction or supervision of a physician outside of a  
49 hospital, medical office, or other clinical setting.

50           (2) This section applies to health benefit plans renewed or entered into on or after  
51 October 1, 2013.

52           (3) A health benefit plan that covers prescribed oral chemotherapy and intravenously  
53 administered chemotherapy shall:

54           (a) except as provided in Subsection (3)(b), ensure that the cost sharing applied to the  
55 covered oral chemotherapy is no more restrictive than the cost sharing applied to the covered  
56 intravenously administered chemotherapy; or

57           (b) if the cost sharing for oral chemotherapy is more restrictive than the cost sharing for

58 intravenous chemotherapy, the health benefit plan may not apply cost sharing for the oral  
59 chemotherapy that exceeds \$300 per filled prescription.

60 (4) (a) A health insurer shall not increase the cost sharing for intravenously  
61 administered chemotherapy for the purpose of achieving compliance with this section.

62 (b) The commissioner may adopt administrative rules in accordance with Title 63G,  
63 Chapter 3, Utah Administrative Rulemaking Act, to enforce the provisions of this section.