

State Laws Requiring Third-Party Reimbursement for the Off-Label Use of Prescription Drugs for the Treatment of Cancer
(enacted as of June 30, 2005)

State	Bill Number	Qtr	Year	Third-Party Payers Addressed				Drug must be recognized for the specific type of cancer/indication by at least one of the following:		Coverage Includes Medically Necessary Services	Other Coverage Specifications
				Specified Private Insurers	Specified Managed Care	Public Employee Health Plans	Medicare Supplement*	Standard Reference Compendia	Medical/Peer-Reviewed Literature		
Alabama	S.B. 103, Act 94-805	2	1994	Y	N	N	N	Y	Y	Y	Drug must be recognized for the particular treatment by the standard reference compendia, medical/peer-reviewed literature, or by the state Commissioner of Insurance.
Arizona	H.B. 2600, c. 37	1	2000	Y	Y	N	N	Y	Y	Y	
Arkansas	S.B. 816, Act 1231	2	1995	Y	Y	N	N	Y	Y	Y	
	S.B. 151, Act 466	1	1999	N/A	N/A	N/A	N/A	N/A	N/A	N/A	Deletes the provision exempting experimental or investigational drugs from coverage.
Connecticut	S./S.B. 249, P.A. 94-49	2	1994	Y	N	N	N	Y	N	N	
Florida	S.B. 486, c. 268	2	1995	Y	N	N	N	Y	Y	Y	
Georgia	H.B. 741, Act 364	2	1993	Y	N	N	N	Y	Y	N	
Illinois	S.B. 1533, P.A. 87-980	3	1992	Y	Y	Y	N	Y	Y	Y	
Indiana	H.B. 1001, P.L. 277	2	1993	Y	Y	N	N	Y	Y	N	
Kansas	S.B. 108, c. 128	2	1999	Y	Y	N	N	Y	Y	N	
Kentucky	H.B. 618, c. 438	2	1998	Y	Y	N	N	Y	Y	Y	
Louisiana	S.B. 722, Act 896	3	1997	Y	Y	N	N	Y	Y	Y	
Maine	S.B. 761, L.D. 2068, c. 701	2	1998	Y	Y	N	N	Y	Y	Y	The off-label use must be approved by the FDA.
Massachusetts	S.B. 1772, c. 404	1	1993	Y	Y	N	N	Y	Y	Y	Drug must be recognized in standard reference compendia or medical/peer-reviewed literature or by a panel of medical experts headed by the state Commissioner of Insurance.
Michigan	H.B. 4077, Act 58	2	1989	N	Y	N	N	N	N	N	Drug must be: (1) ordered by a physician for treatment of a specific neoplasm; (2) used as part of an anti-neoplastic drug regimen; (3) recognized as effective in current medical literature; and (4) generally accepted by recognized oncology organizations. Also requires physicians to obtain informed consent from patients.
	H.B. 4078, Act 59	2	1989	Y	N	N	N	N	N	N	
Minnesota	S.F. 1076/H.F. 1306, c. 301	1	1998	Y	Y	N	Y	Y	Y	Y	
Mississippi	S.B. 2589, c. 445	1	1997	Y	N	Y	N	Y	Y	N	
Nebraska	L.B. 1162	2	1998	Y	N	N	N	Y	Y	Y	

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Nevada	S.B. 56, c. 128	2	2003	Y	Y	N	N	Y	Y	Y	
New Hampshire	S.B. 409, c. 264	2	2000	Y	Y	N	N	N	N	Y	Coverage is required only for drugs provided during clinical trials that meet specified criteria.
New York	c. 853	3	1990	Y	N	N	N	Y	Y	N	
North Carolina	S.B. 622, c. 506	3	1993	Y	Y	N	N	Y	N	N	
Ohio	S.B. 157	2	1994	Y	Y	Y	N	Y	Y	Y	
Oklahoma	S.B. 106, c. 250	2	1993	Y	Y	N	N	N	N	Y	
Rhode Island	H.B. 8144, c. 339	3	1994	Y	Y	N	N	Y	Y	Y	
South Carolina	H.B. 4585, Act 351	2	1996	Y	N	N	N	Y	Y	N	
South Dakota	H.B. 1133, c. 242	1	2000	Y	Y	N	N	Y	Y	Y	
Virginia	S.B. 403, c. 374	2	1994	Y	Y	N	N	Y	N	Y	
	S.B. 1164, c. 656	1	1997	N	N	Y	N	Y	N	N	
TOTAL NUMBER OF STATES: 27											

NOTES:

* Although the SCLD Program monitors legislation addressing third-party reimbursement, our coverage does not extend to federal Medicare legislation. The only Medicare information we monitor is that found in legislation that is relevant under the SCLD protocols.

N/A = Not Applicable

Standard Reference Compendia generally include publications such as: (1) U.S. Pharmacopoeia Drug Information, (2) American Medical Association Drug Evaluations, (3) American Hospital Formulary Service Drug Information, and/or (4) Drug Information for the Health Care Provider.

Medical/Peer-Reviewed Literature often includes professional medical journals published in the U.S. or Great Britain and scientific studies published in any peer-reviewed national professional journal.

Medically Necessary Services means the law also requires coverage for medically necessary services associated with the administration of the drug.

FDA refers to the United States Food and Drug Administration. Approval by the FDA allows the manufacturer to market a drug for a particular indication. The FDA will only approve drugs that have been proven to be safe and effective in controlled clinical trials. Experimental and investigational drugs have not received marketing approval from the FDA.

A number of states, including California, Maryland, New Jersey, Oregon, and Tennessee, have enacted off-label drug use laws that do not explicitly address cancer treatment; instead, they refer to life-threatening conditions, or generic off-label indications. As such, they fall outside the scope of the SCLD Program and are not included here. Ohio has enacted both a cancer-specific and a generic law; only the cancer-specific law is included.