

State Laws Requiring Third-Party Reimbursement for Off-Label Use of Prescription Drugs for the Treatment of Cancer*
(laws effective as of September 30, 2007)

State	SCLD Reference No.	Code Citation	Third-Party Payers Specified				Drug must be recognized for the specific indication by at least one of the following:		Coverage Includes "Medically Necessary Services" ¹⁴	Other Coverage Specifications
			Specified Private Insurers	Specified Managed Care	Public Employee Health Plans	Medicare Supplement ¹	Standard Reference Compendia ²	Medical/Peer-Reviewed Literature ³		
Alabama	1522	ALA. CODE § 27-1-10.1	Y	N	N	N	Y	Y	Y	The state Commissioner of Insurance may direct an insurer to provide coverage.
Arizona	2589	ARIZ. REV. STAT. ANN. §§ 20-826, 20-1057, 20-1342, 20-1402, and 20-1404	Y	Y	N	N	Y	Y	Y	
Arkansas	2551	ARK. CODE ANN. § 23-79-147	Y	Y	N	N	Y	Y	Y	
California*	1826	CAL. HEALTH & SAFETY CODE § 1367.21	Y	N	N	N	Y	Y	Y	
Connecticut	1567	CONN. GEN. STAT. ANN. §§ 38a-518b and 38a-492b	Y	N	N	N	Y	N	N	
Florida	1660	FLA. STAT. ANN. § 627.4239	Y	N	N	N	Y	Y	Y	
Georgia	456	GA. CODE ANN. §§ 33-53-1 to 33-53-4	Y	N	N	N	Y	Y	N	
Illinois	365	5 ILCS 375/6.4, 215 ILCS 5/370r, and 215 ILCS 125/4-6.3	Y	Y	Y	N	Y	Y	Y	
Indiana	457	IND. CODE ANN. §§ 27-8-20-1 to 27-8-20-9	Y	Y	N	N	Y	Y	N	
Kansas	2427	KAN. STAT. ANN. §§ 40-2,103 and 40-2,167 to 40-2,170	Y	Y	N	N	Y	Y	N	The state Commissioner of Insurance may direct an insurer to provide coverage.
Louisiana	2019	LA. REV. STAT. ANN. § 22:215.20	Y	Y	N	N	Y	Y	Y	
Maine	2154	ME. REV. STAT. ANN. tit. 24, §§ 2320-F and 2745-E, and tit. 24-A, §§ 2837-F and 4234-D	Y	Y	N	N	Y	Y	Y	

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Maryland*	1837	MD. INS. CODE ANN. § 15-804	Y	N	N	N	Y	Y	Y	The state Secretary of Health and Mental Hygiene must appoint an expert panel to review and make recommendations regarding medical appropriateness of off-label uses. The state Insurance Commissioner may direct an insurer to provide coverage.
Massachusetts	381	MASS. GEN. LAWS. ANN. ch. 175 § 47k and 47L, ch. 176A § 8N, ch. 176B § 4N, and ch. 176 G § 4E	Y	Y	N	N	Y	Y	Y	Drug must be recognized for the particular treatment in standard reference compendia, medical/peer-reviewed literature, or by a panel of medical experts headed by the state Commissioner of Insurance.
Michigan	54	MICH. COMP. LAWS § 500.3616a	Y	N	N	N	N	Y	N	Requires the physician to obtain the patient's informed consent for a treatment regimen that includes off-label indications. The drug must be generally accepted by recognized oncology organizations.
Minnesota	2064	MINN. STAT. § 62Q.525	Y	Y	N	Y	Y	Y	Y	The state Commissioner of Commerce or Health may direct an insurer to provide coverage.
Mississippi	1871	MISS. CODE ANN. § 83-9-8	Y	N	Y	N	Y	Y	N	
Nebraska	3203	NEB. REV. STAT. § 44-788	Y	N	N	N	Y	Y	Y	
Nevada	3456	NEV. REV. STAT. §§ 689A.0404, 689B.0365, 695C.330, and 695C.1733	Y	Y	N	N	Y	Y	Y	
New Hampshire	2663	N.H. REV. STAT. ANN. § 415:18-I	Y	Y	N	N	N	N	Y	Coverage is required only for drugs provided during clinical trials that meet specified criteria.
New Jersey*	585	N.J. REV. STAT. §§ 17:48-6h, 17:48A-7g, 17:48E-35.5, 17B:26-2.1g, 17B:27-46.1g, and 26:2j-4.5	Y	Y	N	N	Y	Y	Y	
New York	1825	NY INS. LAW §§ 3216, 3221, and 4303	Y	N	N	N	Y	Y	N	
North Carolina	586	N.C. GEN. STAT §§ 58-51-59, 58-65-94, and 58-67-78	Y	Y	N	N	Y	N	N	

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Ohio*	1568	OHIO REV. CODE §§ 1751.66, 3923.60, and 3923.61	Y	Y	Y	N	Y	Y	Y	
Oklahoma	458	OKLA. STAT. tit. 63, § 1-2604	Y	N	N	N	Y	N	Y	
	458	OKLA. STAT. tit. 63, § 1-2605	N	Y	N	N	N	N	N	
Oregon*	2024	OR. REV. STAT. §§ 743.695 and 743.697	Y	N	N	N	Y	Y	Y	Drug must be recognized as effective for the particular treatment by specified standard reference compendia, the majority of relevant peer-reviewed medical literature, or the U.S. Secretary of Health and Human Services.
Rhode Island	1575	R.I. GEN. LAWS §§ 27-55-1 to 27-55-3	Y	Y	N	N	Y	Y	Y	The director of the state Department of Health must appoint an advisory panel of medical experts to make recommendations regarding whether a particular off-label use is medically appropriate whenever a dispute about payment is referred to the director.
South Carolina	1778	S.C. CODE ANN. § 38-71-275	Y	N	N	N	Y	Y	N	
South Dakota	2574	S.D. CODIFIED LAWS ANN. §§ 58-17-100 to 59-17-106	Y	Y	N	N	Y	Y	Y	
Tennessee*	1929	TENN. CODE ANN. § 56-7-2352	Y	N	N	N	Y	Y	Y	The state Commissioner of Health may direct an insurer to provide coverage.
Vermont	4855	VT. STAT. ANN. tit. 8, § 4100e	Y	N	Y	N	Y	Y	Y	
Virginia	1577	VA. CODE ANN. § 38.2-3407.5	Y	Y	N	N	Y	N	Y	
	1887	VA. CODE ANN. § 2.2-2818	N	N	Y	N	Y	N	N	
TOTAL NUMBER OF STATES: 32										

NOTES:

*Laws in California, Maryland, New Jersey, Ohio, Oregon, and Tennessee require coverage for off-label use of prescription drugs, but not specifically for the treatment of cancer.

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

2 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.

3 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.

4 "Medically Necessary Services" means the law specifically 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 for a particular indication in controlled clinical trials. Experimental and investigational drugs have not received marketing approval from the FDA.