



State Cancer Legislative Database

UPDATE

Issue 82

Summer 2010

The *State Cancer Legislative Database Update (SCLD Update)* is a product of the National Cancer Institute's (NCI) State Cancer Legislative Database (SCLD) Program. The *SCLD Update* presents an overview of state cancer-related legislation enacted each quarter and includes a graphic illustration that summarizes a particular topic area. The SCLD contains information synthesized from state-level laws and resolutions. The SCLD does not contain state-level regulations; executive orders; measures implemented by counties, cities, or other localities; Attorneys General opinions; or data addressing the implementation of state laws—all of which may vary significantly from the laws reported herein. Due to variations among states in the methods of identifying resolutions, potentially relevant measures from some states may not be reported. Although SCLD Program coverage of Medicaid and Medicare law is not comprehensive, some SCLD records include these data. **This issue's Legislative Data Byte highlights states with laws addressing private health insurance coverage for oral chemotherapy treatment.**

Enacted Legislation and Adopted Resolutions: April-June 2010

BREAST CANCER

Awareness

Alabama's H.B. 600 requires the state Department of Public Health to establish programs for breast, cervical, and colorectal cancer awareness to: (1) reduce morbidity and mortality from those cancers through prevention, early detection, and treatment; (2) make screening services available to underserved and uninsured individuals throughout the state, especially those whose economic circumstances or

geographic locations limit access to screening facilities; (3) raise public awareness about such cancers; (4) collect, classify, and analyze relevant research information and data; and (5) serve as a resource for cancer information.

A new **Florida** resolution (S.R. 2860) recognizes October 2010 as Breast Cancer Awareness Month and acknowledges that breast cancer is the second most common cause of U.S. cancer deaths in white, African American, Asian American, and American Indian women and the most common cause among Hispanic women.

A recent **Hawaii** resolution (H.C.R. 158) recognizes that mothers who breastfeed experience a reduced risk of ovarian cancer and premenopausal breast cancer.

Pennsylvania's H.R. 841 recognizes July 2010 as Take a Swing Against Breast Cancer Month.

A new **Rhode Island** resolution (H.R. 8059) acknowledges that breast cancer is the most common cancer diagnosed in women in the state and the second leading cause of cancer death. The resolution proclaims May 3-10, 2010 as Pink Spirit Week.

CONTENTS

Enacted Legislation and Adopted Resolutions: April-June 2010

- Breast Cancer1
- Cancer—General.....2
- Cervical Cancer.....4
- Colorectal Cancer5
- Genetics.....5
- Health Disparities6
- Ovarian Cancer.....7
- Prostate Cancer7
- Skin Cancer7
- State-of-the-Art Treatment.....8
- Surveillance.....8
- Testicular Cancer.....8
- Tobacco Use.....8
- State Legislative Actions Related to Tobacco Settlements11
- Table of Enacted Legislation and Adopted Resolutions12
- Legislative Data Byte15

Issue 82

The *SCLD Update* is now available for electronic delivery. To sign up, please visit www.sclid-nci.net/subscribe.cfml.

Public/Professional Education

Newly enacted legislation in **New York** (S.B. 8090) amends the state's Health Care and Wellness Education and Outreach Program to allow the state Department of Health to conduct educational and outreach programs for consumers, patients, and health care providers related to breast, cervical, colorectal, ovarian, prostate, skin, and testicular cancers. *See the additional summary of this law in the Cancer—General/Screening and Treatment Programs section on page 4.*

BREAST CANCER

Three states adopted resolutions related to recently published breast cancer screening guidelines.

Screening and Treatment Information

Georgia's S.R. 915 urges the U.S. Congress, the Department of Health and Human Services, and the Centers for Medicare and Medicaid Services to ignore the recent guidelines for breast cancer screenings by the United States Preventive Services Task Force (USPSTF).

The USPSTF's most recent guidelines for breast cancer screenings delay initial mammograms for women from age 40 to age 50.

A recent **Pennsylvania** resolution (S.R. 229) urges the USPSTF to reexamine its mammogram recommendations to take into account the importance of maintaining a health care policy of prevention, which provides mammograms for women beginning at 40 years of age.

Tennessee's S.J.R. 890 recognizes that the state supports the current breast cancer screening standards promoted by the American Cancer Society (ACS) and urges against the federal government discouraging early screening.

Screening and Treatment Reimbursement

Legislation enacted in **Colorado** (H.B. 1252) adds an annual breast cancer screening with mammography for individuals with at least one risk factor to the list of preventive health services required to be provided by specified individual and group insurers. Risk factors include a family history of breast cancer, being 40 years of age or older, or a genetic predisposition to breast cancer.

Maryland's H.B. 878/S.B. 313 requires specified insurers and health maintenance organizations (HMOs) that provide benefits for annual preventive care to provide coverage if: (1) annual preventive care is provided no more than once during the plan year established in the policy or contract; and (2) any other requirements for coverage of the annual preventive care are met. Annual preventive care means an annual preventive visit, screening, or examination, including screening for breast, colorectal, and prostate cancers.

Another **Maryland** law (S.B. 57) requires specified group and individual insurers, including HMOs, to provide coverage for physical complications of all stages of mastectomy, including lymphedemas.

In **Oklahoma**, a new law (S.B. 2054) requires HMOs to provide coverage for mammography screening and removes the requirement that the reimbursement amount not exceed \$115 per mammogram. *See the additional summary of this law in the Genetics/Insurance Discrimination section on page 5.*

CANCER—GENERAL

Awareness

A recent **Alabama** resolution (H.R. 1059) recognizes June 5, 2010 as National Cancer Survivors Day.

California's A.C.R. 141 proclaims May 19, 2010, as Viral Hepatitis Awareness Day and recognizes that there is a vaccine for the prevention of hepatitis B. The resolution also acknowledges that liver cancer, related to hepatitis B and C, is among the leading killers in the state.

A new resolution in **Delaware** (H.C.R. 38) designates May 1, 2010 as Brain Tumor Awareness Day.

Legislators in **Florida** passed a law (H.B. 889) that eliminates the Florida Cancer Council within the state Department of Health.

Another **Florida** law (H.B. 971) requires application forms for motor vehicle registration and renewal and driver's licenses or identification cards to include language permitting a voluntary contribution to the League Against Cancer/La Liga Contra el Cancer.

A new **Florida** *resolution* (H.R. 9041) recognizes September 26, 2010 as Mesothelioma Awareness Day.

Georgia's S.R. 886 recognizes that recent studies indicate that almost one of three American children are overweight or obese and are therefore at higher risk of developing cancer.

Another **Georgia** *resolution* (S.R. 1555) declares September 2010 as Childhood Cancer Awareness Month.

A **Hawaii** *resolution* (S.C.R. 150) declares September 26, 2010 as Mesothelioma Awareness Day to raise awareness about mesothelioma and the need to develop effective treatments and a cure for this fatal disease.

Illinois' H.R. 816 declares January of 2010 as Radon Action Month and recognizes that indoor radon is the second leading cause of lung cancer in the United States.

A new **Illinois** *resolution* (S.J.R. 72) acknowledges that the state has seen an alarming increase in the prevalence of obesity and cancer, and that the rise is occurring in predominantly disadvantaged neighborhoods. In addition, the *resolution* recognizes that well-documented research shows the positive correlation of obesity and cancer. The *resolution* also acknowledges that underserved areas in the state are predominantly home to residents of African American descent and that research has indicated large increases in cancer in this population.

Louisiana's *resolution* (H.C.R. 107/S.C.R. 37/S.R. 22) designates April 13, 2010 as Obesity Awareness Day and acknowledges that obesity and being overweight are associated with an increased risk of cancer. Two other similar **Louisiana** *resolutions* (H.C.R. 150 and H.R. 16) acknowledge that obesity and being overweight are associated with increased risk for costly chronic diseases and some cancers.

Another **Louisiana** *resolution* (H.C.R. 209) acknowledges that physical activity reduces the risks of certain types of cancer.

Louisiana's S.B. 251 authorizes special license plates for the American Cancer Society, Mid-South Division's (ACSMSD) Relay For Life. The law specifies an annual fee per plate to be used by the ACSMSD for statewide programs.

Lawmakers in **Louisiana** recently adopted a *resolution* (S.C.R. 98) that acknowledges that the purpose of the Louisiana Cancer Control Partnership is to create the Louisiana Comprehensive Cancer Control Plan and develop an effective infrastructure and framework to facilitate the reduction of incidence and mortality from cancer in the state.

Louisiana's S.C.R. 122 memorializes the U.S. Congress to continue to support and invest in the National Cancer Institute's Community Cancer Centers Program.

A new **Louisiana** *resolution* (S.R. 172) recognizes that being overweight or obese substantially increases a child's risk for some cancers.

A recent **Michigan** *resolution* (S.R. 161) recognizes June 5, 2010 as Childhood Cancer Survivors Day.

Nebraska's L.R. 532 recognizes November 2010 as Lung Cancer Awareness Month and encourages communities to participate in activities designed to increase public awareness of lung cancer.

Lawmakers in **Oklahoma** adopted a *resolution* (H.C.R. 1064) that designates November 2010 as Pancreatic Cancer Awareness Month and acknowledges that the incidence of pancreatic cancer is approximately 50 percent higher in African Americans than any other ethnic group.

Pennsylvania's H.R. 728 acknowledges that the obesity epidemic contributes to increasing rates of chronic illness including cancer.

Another **Pennsylvania** *resolution* (H.R. 805) designates August 2010 as Kidney Cancer Awareness Month and acknowledges that kidney cancer occurs nearly twice as often in men than women and occurs mostly in men over 40 years of age.

Research and Prevention

A **New Hampshire** law (S.B. 510) establishes a committee to study the parity between oral and intravenous chemotherapy.

CANCER—GENERAL

Georgia, Illinois, Louisiana, and Pennsylvania adopted resolutions acknowledging the link between obesity and an increased risk of cancer.

Oklahoma's S.B. 1919 authorizes, for tax years beginning after December 31, 2010, a credit for any taxpayer who makes a donation to a cancer research institute.

Lawmakers in **Vermont** recently passed legislation (S.B. 88) that requires the "Blueprint for Health" to be developed and implemented to further the interventions designed to prevent

CANCER—GENERAL

Colorado, Connecticut, Kansas, and Minnesota enacted laws related to insurance coverage for orally-administered anticancer medications.

chronic diseases, such as cancer, and improve outcomes for persons with chronic disease, target specific disease risk factors, and address changes in individual behavior, the physical and social environment, and health care policies and systems. *See the additional summary of this law in the Tobacco Use/Treatment Reimbursement section on page 11.*

Screening and Treatment Information

*For summaries of a **New York** law (S.B. 8090) related to cancer screening and treatment information, see the Breast Cancer Public/Professional Education section on page 2, and the Cancer—General/Screening and Treatment Programs section on page 4.*

Screening and Treatment Programs

A **New York** law (S.B. 8090) establishes the Cancer Detection and Education Program in the state Department of Health to: (1) promote screening and detection of cancer among unserved and underserved populations; (2) educate the public regarding cancer and the benefits of early detection; and (3) provide counseling and referral services. *See the additional summary of this law in the Breast Cancer/Public/Professional Education section on page 2.*

Screening and Treatment Reimbursement

Colorado's H.B. 1202 requires any health benefit plan that provides coverage for cancer chemotherapy treatment to provide coverage for prescribed, orally-administered anticancer medication at the same cost as intravenously-

administered medication, as long as the oral chemotherapy treatment has been approved by the federal Food and Drug Administration and is used to kill or slow the growth of cancerous cells.

Lawmakers in **Connecticut** recently enacted legislation (S.B. 50) that requires specified insurers providing coverage for intravenously and orally-administered anticancer medications that are ordered by a prescribing practitioner, to cover the oral anticancer medications on a basis that is no less favorable than intravenous medications.

A recent **Kansas** law (H.B. 2160) requires specified individual and group insurers, including HMOs, providing coverage for prescription drugs to cover prescribed, orally-administered anticancer medications on a basis no less favorable than intravenously-administered or injected cancer medications that are covered as medical benefits.

Minnesota's S.B. 1761 prohibits coverage for orally-administered anticancer chemotherapy treatment by specified individual and group insurers, including HMOs, from being subject to a higher co-payment, a higher deductible, or coinsurance provisions that are less favorable than those that apply to coverage for intravenous or injected cancer chemotherapy.

CERVICAL CANCER

Awareness

*For a summary of an **Alabama** law (H.B. 600) related to cervical cancer awareness, see the Breast Cancer/Awareness section on page 1.*

A new *resolution* in **Illinois** (H.R. 876) designates January as Cervical Health Awareness Month and encourages citizens to recognize the importance of good cervical health and of detecting cervical cancer in its earliest stages. The *resolution* also acknowledges that cervical cancer occurs more often in African American and Hispanic women than in non-Hispanic white women.

Public/Professional Education

*For summaries of a **New York** law (S.B. 8090) related to cervical cancer education, see the Breast Cancer/Public/Professional Education section on page 2, and the Cancer—General/Screening and Treatment Programs section on page 4.*

COLORECTAL CANCER

Awareness

For a summary of an **Alabama** law (H.B. 600) related to colorectal cancer awareness, see the *Breast Cancer/Awareness* section on page 1.

A resolution in **California** (S.C.R. 66) designates March 2010 as Colorectal Cancer Awareness Month and acknowledges that the uninsured, underinsured, and underserved are least likely to get screening and treatment for colorectal cancer.

Kansas' H.R. 6030 recognizes March as Colon Cancer Awareness Month.

A **Tennessee** resolution (H.J.R. 906) designates March 2010 as Colorectal Cancer Awareness Month to raise public awareness about the importance of early detection and regular screening for the disease. The resolution also acknowledges that African Americans have a higher incidence of colorectal cancer and should begin screening at 45 years of age.

Public/Professional Education

For summaries of a **New York** law (S.B. 8090) related to colorectal cancer education, see the *Breast Cancer/Public/Professional Education* section on page 2, and the *Cancer—General/Screening and Treatment Programs* section on page 4.

Screening and Treatment Information

For a summary of a **Hawaii** law (S.B. 2599) related to colorectal cancer screening and treatment information, see the *Colorectal Cancer/Screening and Treatment Reimbursement* section on page 5.

Screening and Treatment Programs

Kentucky's H.B. 72 creates the Kentucky Colon Cancer Screening Program Fund and allows the state Department for Public Health to adopt a schedule of income-based fees to be charged for colon cancer screening.

Screening and Treatment Reimbursement

A new **Hawaii** law (S.B. 2599) requires specified insurers, including HMOs, to provide coverage for colorectal cancer screening by all A and B grade screening modalities as recommended by the USPSTF. Beginning March 1, 2011, insurers are required to inform policy holders about the risk

associated with undiagnosed colorectal cancer and encourage their consultation with a physician about available screening options.

For a summary of a **Maryland** law (H.B.878/S.B.313) related to colorectal cancer screening and treatment reimbursement, see the *Breast Cancer/Screening and Treatment Reimbursement* section on page 2.

Lawmakers in **Wisconsin** recently enacted legislation (S.B. 163) that requires specified insurers that provide coverage of any diagnostic or surgical procedures to cover colorectal cancer examinations and laboratory tests in accordance with guidelines specified by the Commissioner of Insurance for all individuals 50 years of age or older, and all individuals under 50 years of age and at high risk for colorectal cancer. The law further requires the Commissioner to promulgate rules that: (1) specify guidelines for screenings that must be covered, (2) specify factors for determining whether an individual is high risk, and (3) periodically update the guidelines as medically appropriate.

GENETICS

Genetic Counselors

Delaware's S.B. 259 establishes the Genetic Counselor Advisory Council and requires any person engaging in the practice of genetic counseling to be licensed by the state Board of Medical Practice.

Insurance Discrimination

A recent **Iowa** law (S.B. 2215) prohibits a health insurer from: (1) discriminating against an individual or a member of the individual's family on the basis of genetic information or genetic testing; (2) using genetic information or genetic testing for underwriting health insurance; or (3) considering a genetic propensity, susceptibility, or carrier status as a preexisting condition for the purpose of limiting or excluding benefits, establishing rates, or providing coverage. The law specifies conditions for disclosure of genetic information by insurers and provides penalties for violations.

Oklahoma's S.B. 2054 prohibits specified insurers, including HMOs, from: (1) denying or conditioning the issuance or effectiveness of a policy or

certificate or imposing exclusion of benefits due to a preexisting condition, on the basis of genetic information; (2) discriminating in the

GENETICS

Iowa, Oklahoma, and South Carolina enacted laws addressing prevention of insurance discrimination based on genetic information.

pricing of the policy on the basis of genetic information; (3) requesting or requiring an individual or a family member to undergo a genetic test; (4) requesting, requiring, or purchasing genetic information for underwriting purposes; or (5) requesting, requiring, or purchasing genetic information with respect to any individual prior to the enrollment of the individual under a policy.

See the additional summary of this law in the Breast Cancer/Screening and Treatment Reimbursement section on page 2.

Lawmakers in **South Carolina** recently enacted legislation (S.B. 1224) that prohibits insurers from performing the following practices based on genetic information obtained concerning an individual or based on the individual's request for genetic services: (1) establishing rules for coverage eligibility, including continued eligibility; (2) imposing a preexisting condition exclusion; (3) adjusting premium or contribution amounts for coverage; or (4) requesting or requiring an individual or a family member to undergo a genetic test. The law also prohibits insurers from requesting, requiring, or purchasing genetic information for underwriting purposes.

HEALTH DISPARITIES

Awareness and Acknowledgment

*For a summary of an **Alabama** law (H.B. 600) related to health disparities awareness and acknowledgment, see the Breast Cancer/Awareness section on page 1.*

*For a summary of a **California** resolution (S.C.R. 66) related to health disparities awareness and acknowledgment, see the Colorectal Cancer/Awareness section on page 5.*

Florida's S.R. 812 acknowledges that black men have the highest prostate cancer death rate in the world and a mortality rate that is twice that

of white men. *See the additional summary of this resolution in the Prostate Cancer/Awareness section on page 7.*

*For a summary of a **Florida** resolution (S.R. 2860) related to health disparities awareness and acknowledgment, see the Breast Cancer/Awareness section on page 1.*

*For a summary of an **Illinois** resolution (H.R. 876) related to health disparities awareness and acknowledgment, see the Cervical Cancer/Awareness section on page 4.*

*For a summary of an **Illinois** resolution (S.J.R. 72) related to health disparities awareness and acknowledgment, see the Cancer—General/Awareness section on page 2.*

*For a summary of an **Oklahoma** resolution (H.C.R. 1064) related to health disparities awareness and acknowledgment, see the Cancer—General/Awareness section on page 2.*

*For a summary of a **Pennsylvania** resolution (H.R. 805) related to health disparities awareness and acknowledgment, see the Cancer—General/Awareness section on page 2.*

*For a summary of a **Tennessee** resolution (H.J.R. 906) related to health disparities awareness and acknowledgment, see the Colorectal Cancer/Awareness section on page 5.*

Research and Prevention

A recent **Colorado** law (H.B. 1330) requires, if sufficient funding is received, the Administrator of the state All-Payer Claims Database to create a database and collect, aggregate, distribute, and publicly report performance data on health disparities.

Minnesota's H.B. 1a requires the Commissioner of Health and Human Services to conduct an inventory on the health-related data collected by each respective department, including, but not limited to, health care programs and activities, vital statistics, disease surveillance registries and screenings, and health outcome measurements. The law specifies that the inventory must contain a review of the categories of data that are collected, and describe the methods of collecting, organizing, and reporting data relating to race, ethnicity, country of origin, primary language, tribal enrollment status, and socioeconomic status.

Screening and Treatment Information

For summaries of a **New York** law (S.B. 8090) related to health disparities screening and treatment information, see the Breast Cancer/Public/Professional Education section on page 2, and the Cancer—General/Screening and Treatment Programs section on page 4.

Screening and Treatment Programs

For a summary of a **Kentucky** law (H.B. 72) related to health disparities screening and treatment programs, see the Colorectal Cancer/Screening and Treatment Programs section on page 5.

For summaries of a **New York** law (S.B. 8090) related to health disparities screening and treatment programs, see the Breast Cancer/Public/Professional Education section on page 2, and the Cancer—General/Screening and Treatment Programs section on page 4.

OVARIAN CANCER

Awareness

For a summary of a **Hawaii** resolution (H.C.R. 158) related to ovarian cancer awareness, see the Breast Cancer/Awareness section on page 1.

A new resolution adopted in **Rhode Island** (H.R. 8259/S.R. 2993) designates September as Ovarian Cancer Awareness Month and urges citizens to continue their strong commitment to preventing and treating the disease.

Public/Professional Education

For summaries of a **New York** law (S.B. 8090) related to ovarian cancer education, see the Breast Cancer/Public/Professional Education section on page 2, and the Cancer—General/Screening and Treatment Programs section on page 4.

PROSTATE CANCER

Awareness

A new **Florida** resolution (S.R. 812) recognizes September 2010 as Prostate Cancer Awareness Month and urges all men to understand the risks associated with prostate cancer, take preventive steps to minimize those risks, and talk to their doctor about annual prostate cancer screening and compliance with the prostate cancer

screening guidelines recommended by the ACS. See the additional summary of this resolution in the Health Disparities/Awareness and Acknowledgment section on page 6.

Public/Professional Education

For summaries of a **New York** law (S.B. 8090) related to prostate cancer education, see the Breast Cancer/Public/Professional Education section on page 2, and the Cancer—General/Screening and Treatment Programs section on page 4.

Screening and Treatment Reimbursement

For a summary of a **Maryland** law (H.B. 878/S.B. 313) related to prostate cancer screening and treatment reimbursement, see the Breast Cancer/Screening and Treatment Reimbursement section on page 2.

SKIN CANCER

Awareness

Delaware's S.C.R. 33 recognizes May 2010 as Melanoma and Skin Cancer Detection and Prevention Month.

A recent **Louisiana** resolution (S.C.R. 91) recognizes May 2010 as National Skin Cancer Awareness Month and promotes the importance of early detection of skin cancer through adherence to screening guidelines.

A resolution in **Pennsylvania** (S.R. 338) recognizes May 2010 as Melanoma and Skin Cancer Detection and Prevention Month.

Public/Professional Education

For summaries of a **New York** law (S.B. 8090) related to skin cancer education, see the Breast Cancer/Public/Professional Education section on page 2, and the Cancer—General/Screening and Treatment Programs section on page 4.

SKIN CANCER

Skin cancer awareness month was recognized during May 2010 in Delaware, Louisiana, and Pennsylvania.

Tanning Facilities

Georgia's S.B. 435 prohibits a tanning facility owner or operator from: (1) allowing minors under age 14 to use tanning equipment, and (2) allowing minors ages 14 and older but under age 18 to use tanning equipment unless the minor's parent or legal guardian signs a written consent form. The law also prohibits a tanning facility from advertising or distributing promotional materials that claim that using a tanning device is safe or free from risk or that the use of a tanning device will result in medical or health benefits. In addition, the law prohibits the establishment of a tanning facility without registering with the state Department of Health.

STATE-OF-THE-ART TREATMENT

General

Lawmakers in **Colorado** recently enacted a law (H.B. 1355) that prohibits health benefit plans, including HMOs, that provide coverage for prescription drugs, from limiting or excluding coverage for any drug approved by the Food and Drug Administration (FDA) for use in the treatment of cancer on the basis that the drug has not been approved by the FDA for the treatment of the specific type of cancer for which the drug is prescribed if: (1) the drug is recommended in the authoritative reference compendia as identified by the Secretary of the Department of Health and Human Services, and (2) the treatment is for a covered condition.

Tennessee's S.B. 3625 adds: (1) the National Comprehensive Cancer Network Drugs & Biologics Compendium, (2) the Thomson Micromedex DRUGDEX, and (3) the Elsevier Gold Standard Clinical Pharmacology to the list of standard reference compendia for insurers' required coverage of prescription drugs for cancer treatment.

A new law in **Virginia** (H.B. 1375) amends the list of standard reference compendia related to the insurers' required coverage of prescription drugs for cancer treatment, by removing the American Medical Association Drug Evaluations and the United States Pharmacopeia Dispensing Information and adding the National Comprehensive Cancer Network Drugs & Biologics

Compendium and the Elsevier Gold Standard Clinical Pharmacology.

SURVEILLANCE

Cancer Registries

New York's S.B. 3788 requires the state Department of Health, in consultation with the Department of Environmental Conservation and the Technical Advisory Group, to establish and maintain a computer mapping system for plotting cancer incidence and environmental facilities throughout the state, including, but not limited to, cancer clusters.

A new **Rhode Island** *resolution* (S.R. 2771) recognizes April 12-16, 2010 as National Cancer Registrars Week.

TESTICULAR CANCER

Public/Professional Education

*For summaries of a **New York** law (S.B. 8090) related to testicular cancer education, see the Breast Cancer Public/Professional Education section on page 2, and the Cancer—General/Screening and Treatment Programs section on page 4.*

TOBACCO USE

Delivery Sales

Lawmakers in **Maryland** recently enacted legislation (H.B. 88) that prohibits a person in the business of selling or distributing tobacco products other than cigarettes (OTP) from selling or shipping such products directly to a consumer or other unlicensed recipient in the state, if the products were ordered or purchased by mail or through a computer, telephonic, or other electronic network by a consumer or other unlicensed recipient. The law also establishes additional restrictions related to shipping and delivery of OTPs. *See the additional summary of this law in the Tobacco Use/Vendor Licensure section on page 11.*

Excise Taxes

Colorado's S.J.R. 10 acknowledges that the state constitution authorizes the imposition of additional state cigarette and tobacco taxes and

allows the resulting tax revenues to be used to expand health care for children and low-income populations, tobacco education programs, and the prevention and treatment of cancer.

A new law in **Hawaii** (H.B. 1985) increases the excise tax on cigarettes to \$3.00 on July 1, 2010, and to \$3.20 on July 1, 2011.

Lawmakers in **New Hampshire** recently enacted legislation (H.B. 1a) that increases the tax on tobacco products other than cigarettes from 48.59 to 65.03 percent of the wholesale sales price.

New York's A.B. 11515 increases the tax on: (1) cigarettes from \$2.75 to \$4.35; (2) all tobacco products, other than cigarettes or snuff, from 46 to 75 percent of the wholesale price; and (3) snuff from 96 cents to \$2.00 per ounce, based upon the net weight as listed by the manufacturer.

A recent **South Carolina** law (H.B. 3584) increases the tax on cigarettes from seven cents to 57 cents and requires portions of the surtax revenue to be credited to the Medical University of South Carolina Hollings Cancer Center for tobacco-related cancer research and to the Smoking Prevention and Cessation Trust Fund.

Virginia's H.B. 626 establishes a tax on moist snuff at the rate of \$0.18 per ounce, effective January 1, 2011.

Legislators in **Vermont** passed a law (H.B. 783) that increases the tax on snuff from \$1.66 per ounce to \$1.87 per ounce. The law also establishes a tax on cigars at the rate of \$2.00 per cigar if the wholesale price of the cigar is greater than \$1.08 and less than \$10.00, and at the rate of \$4.00 per cigar if the wholesale price of the cigar is \$10.00 or more.

Washington's H.B. 2493 increases tax on: (1) cigarettes from \$2.025 to \$3.025; and (2) all tobacco products except cigars, moist snuff, and cigarettes, from 75 to 95 percent of the taxable sales price. The law also establishes a tax on cigars of 95 percent of the taxable sales price, not to exceed 65 cents per cigar. Effective October 1, 2010, moist snuff will be taxed based on net weight listed by the manufacturer as follows: one can or package weighing one and two-tenths ounces will be taxed \$2.526 or 83.5 percent of the cigarette tax, whichever is greater.

Miscellaneous-Tobacco

A new **Arizona** law (H.B. 2725) prohibits commercial advertising or promotion of any substance that is illegal to minors, such as alcohol, tobacco, or drugs.

Kentucky's H.B. 165 authorizes employers to establish a difference in employee contribution rates for smokers and nonsmokers in relation to an employer-sponsored health plan. The law also permits employers to offer incentives or benefits to employees who participate in a smoking cessation program.

Under H.B. 4657, the **South Carolina** Budget and Control Board is authorized to differentiate between tobacco users and non users regarding rates charged to health plan enrollees.

Public/Professional Education

Lawmakers in **Washington** recently enacted legislation (S.B. 6444) that authorizes the state Department of Health to coordinate a tobacco cessation media campaign using all appropriate media with the purpose of maximizing the use of quit-line services and youth smoking prevention.

Research and Prevention

An **Indiana** resolution (L.C.R. 1) charges the Health Finance Commission with studying the impact of a statewide smoking ban.

Smoke-Free Air

Delaware's H.R. 40 prohibits smoking in the state House Chamber.

A new law in the **District of Columbia** (L.B. 18-428) allows a property owner or ground-floor commercial tenant to post signs on the property stating that smoking is not permitted on public space within a specified distance from and abutting the building wall. That distance must not be greater than 25 feet, or the distance to the far side of the adjacent public sidewalk, if any, whichever is less. *See the additional summary of this law in the Tobacco Use/Tobacco Access by Minors section on page 10.*

Mississippi S.B. 2644 prohibits, during any time that persons under age 18 are engaged in an

TOBACCO USE

New York increased its cigarette excise tax to \$4.35 per pack.

organized athletic event at a public facility, any participant in or spectator of the athletic event from smoking in the facility, if the facility is enclosed, or within 100 feet of the facility, if the facility is not enclosed. The law also requires the person, agency, or entity having jurisdiction or supervision over a public facility to not allow smoking at the facility. The law establishes policy enforcement provisions and specifies penalties for violations.

New Hampshire recently enacted legislation (H.B. 1541) that prohibits the use of e-cigarettes and liquid nicotine in any public educational facility or on the grounds of any public educational facility. *See the additional summary of this law in the Tobacco Use/Tobacco Access by Minors section on page 10.*

A recent **Oklahoma** law (H.B. 2748) requires all buildings, or portions thereof, owned by an educational facility to be designated as nonsmoking. The law allows all campuses, buildings, and grounds, or portions thereof, owned or operated by an institution within the Oklahoma State System of Higher Education to be designated as tobacco free, including smoking or smokeless tobacco.

Tobacco Access by Minors

The **District of Columbia's** L.B. 18-428 prohibits: (1) selling, giving, or furnishing of cigarettes or other tobacco products to, or purchasing cigarettes or other tobacco products on behalf of persons younger than age 18; (2) minors from purchasing, possessing, or attempting to purchase or possess cigarettes or other tobacco products, except when handling or transporting cigarettes or other tobacco products under the terms of his or her employment; (3) minors from using fraudulent identification documents to purchase, possess, or consume cigarettes or other tobacco products; (4) the sale or distribution of cigarettes or other tobacco products, except cigars, through a self-service display; (5) cigarettes or other tobacco products from being sold to individual customers from mobile vending motor vehicles and trailers; (6) the sale of a single cigar at convenience stores and gas stations; and (7) the sale or distribution of cigarettes in packages containing less than 20 cigarettes. The law also prohibits the sale of cigar wrappers

and blunt wraps unless a store derives at least 25 percent of total annual revenue from the sale of tobacco products, and sells loose tobacco intended to be rolled into cigarettes or cigars. *See the additional summary of this law in the Tobacco Use/Smoke-Free Air section on page 9.*

Lawmakers in **Minnesota** recently enacted legislation (S.B. 3055) that prohibits the sale and distribution to minors of any product containing, made, or derived from tobacco that is intended for human consumption, whether chewed, smoked, absorbed, dissolved, inhaled, snorted, sniffed, or ingested by any other means, or any component, part, or accessory of a tobacco product. The law also prohibits the sale of a product containing or delivering nicotine to a person younger than age 18, except if the product has been approved by the FDA for tobacco use cessation or for other medical purposes and is being marketed and sold solely for that approved purpose. The law specifies penalties for retailers and minors in violation of the law. *See the additional summary of this law in the Tobacco Use/Vendor Licensure section on page 11.*

A recent **New Hampshire** law (H.B. 1541) requires a person responsible for monitoring sales from tobacco vending machines or making retail tobacco product sales to request prospective purchasers of e-cigarettes and liquid nicotine who do not appear to be at least 18 years of age to present documentation of proof of age. The law also prohibits e-cigarettes and liquid nicotine from being: (1) sold, given, or furnished to a minor; (2) purchased, attempted to purchase, possessed, or used by a minor; (3) sold, given, or furnished to a minor who has a note from an adult requesting such sale, gift, or delivery; (4) used in any public educational facility or on the grounds of any public educational facility; or (5) distributed or offered as samples in a public place, with specific exceptions. *See the additional summary of this law in the Tobacco Use/Smoke-Free Air section on page 9.*

West Virginia's H.B. 2773 increases the fines for an individual, firm, or corporation that sells, gives, or furnishes cigarettes, cigarette papers, or any other paper manufactured for the purpose of smoking any tobacco product, cigars, pipes, snuff, chewing tobacco, or tobacco products in any form to persons under the age of 18. The law also increases fines to minors who violate the

law related to the possession or use of tobacco products or paraphernalia.

Treatment Reimbursement

A new **Vermont** law (S.B. 88) requires specified insurers, including HMOs and Medicaid or the public assistance program, to provide coverage for at least one 3-month supply per year of tobacco cessation medication, including over-the-counter medication, if prescribed by a licensed health care practitioner. The law authorizes a health insurance plan to require the individual to pay the plan's applicable prescription drug co-payment. *See the additional summary of this law in the Cancer—General/Research and Prevention section on page 3.*

Vendor Licensure

Lawmakers in **Maryland** recently passed legislation (H.B. 88) that requires an OTP retailer or a tobacconist to obtain a license for each retail place of business. The law specifies penalties for violation of the law. *See the additional summary of this law in the Tobacco Use/Delivery Sales section on page 8.*

Minnesota's S.B. 3055 allows a town board or governing body of a home rule charter or statutory city to license and regulate the retail sale of tobacco-related devices. The law requires county boards to license and regulate the sale of tobacco-related devices in an unorganized territory of the county and in a town or a home rule charter or statutory city if the town or city does not license and regulate retail tobacco sales. *See the additional summary of this law in the Tobacco Use/Tobacco Access by Minors section on page 10.*

Tobacco Settlement

Laws enacted this quarter related to the utilization of tobacco settlement monies or compliance with certain tobacco settlement terms are presented in tabular format below.

**State Legislative Actions Related to Tobacco Settlements
(April through June 2010)**

State	Measure Number(s)	ENACTED LEGISLATION ¹		Provides penalties for manufacturers who fail to comply with tobacco settlement terms
		Fund Establishment		
		Establishes or modifies fund(s) to receive revenues from state tobacco settlements	Specifies intended uses of tobacco settlement monies ²	
Colorado	S.B. 73	•	H	
Totals		1	TC=0 TG=0 C=0 H=1 O=0 U=0	0

¹Does not include appropriations legislation.

²Intended uses of tobacco settlement monies specified:

TC=Tobacco Control, TG=Tobacco Growers, C=Cancer, H=Health, O=Other, U=Unspecified

Table of Enacted Legislation and Adopted Resolutions, 2nd Quarter, 2010

State	Measure No.	Content Area
Alabama	H.B. 600	Breast Cancer/Awareness Cervical Cancer/Awareness Colorectal Cancer/Awareness Health Disparities/Awareness and Acknowledgment
	H.R. 1059	Cancer—General/Awareness
Arizona	H.B. 2725	Tobacco Use/Miscellaneous-Tobacco
California	A.C.R. 141	Cancer—General/Awareness
	S.C.R. 66	Colorectal Cancer/Awareness Health Disparities/Awareness and Acknowledgment
Colorado	H.B. 1202	Cancer—General/Screening and Treatment Reimbursement
	H.B. 1252	Breast Cancer/Screening and Treatment Reimbursement
	H.B. 1330	Health Disparities/Research and Prevention
	H.B. 1355	State-of-the-Art Treatment/General
	S.B. 73	Tobacco Use/Tobacco Settlement
	S.J.R. 10	Tobacco Use/Excise Taxes
Connecticut	S.B. 50	Cancer—General/Screening and Treatment Reimbursement
Delaware	H.C.R. 38	Cancer—General/Awareness
	H.R. 40	Tobacco Use/Smoke-Free Air
	S.B. 259	Genetics/Genetic Counselors
	S.C.R. 33	Skin Cancer/Awareness
District of Columbia	L.B. 18-428	Tobacco Use/Smoke-Free Air Tobacco Use/Tobacco Access by Minors
Florida	H.B. 889	Cancer—General/Awareness
	H.B. 971	Cancer—General/Awareness
	H.R. 9041	Cancer—General/Awareness
	S.R. 2860	Breast Cancer/Awareness Health Disparities/Awareness and Acknowledgment
	S.R. 812	Health Disparities/Awareness and Acknowledgment Prostate Cancer/Awareness
Georgia	S.B. 435	Skin Cancer/Tanning Facilities
	S.R. 1555	Cancer—General/Awareness
	S.R. 886	Cancer—General/Awareness
	S.R. 915	Breast Cancer/Screening and Treatment Information
Hawaii	H.B. 1985	Tobacco Use/Excise Taxes
	H.C.R. 158	Breast Cancer/Awareness Ovarian Cancer/Awareness
	S.B. 2599	Colorectal Cancer/Screening and Treatment Information Colorectal Cancer/Screening and Treatment Reimbursement
	S.C.R. 150	Cancer—General/Awareness
Illinois	H.R. 816	Cancer—General/Awareness
	H.R. 876	Cervical Cancer/Awareness Health Disparities/Awareness and Acknowledgment
	S.J.R. 72	Cancer—General/Awareness Health Disparities/Awareness and Acknowledgment
Indiana	L.C.R. 1	Tobacco Use/Research and Prevention
Iowa	S.B. 2215	Genetics/Insurance Discrimination

State	Measure No.	Content Area
Kansas	H.B. 2160	Cancer—General/Screening and Treatment Reimbursement
	H.R. 6030	Colorectal Cancer/Awareness
Kentucky	H.B. 165	Tobacco Use/Miscellaneous
	H.B. 72	Colorectal Cancer/Screening and Treatment Programs
Louisiana	H.C.R. 107/	
	S.C.R. 37/S.R. 22	Cancer—General/Awareness
	H.C.R. 150	Cancer—General/Awareness
	H.C.R. 209	Cancer—General/Awareness
	H.R. 16	Cancer—General/Awareness
	S.B. 251	Cancer—General/Awareness
	S.C.R. 122	Cancer—General/Awareness
	S.C.R. 91	Skin Cancer/Awareness
	S.C.R. 98	Cancer—General/Awareness
S.R. 172	Cancer—General/Awareness	
Maryland	H.B. 878/S.B. 313	Breast Cancer/Screening and Treatment Reimbursement Colorectal Cancer/Screening and Treatment Reimbursement Prostate Cancer/Screening and Treatment Reimbursement
	H.B. 88	Tobacco Use/Delivery Sales Tobacco Use/Vendor Licensure
	S.B. 57	Breast Cancer/Screening and Treatment Reimbursement
Michigan	S.R. 161	Cancer—General/Awareness
Minnesota	H.B. 1a	Health Disparities/Research and Prevention
	S.B. 1761	Cancer—General/Screening and Treatment Reimbursement
	S.B. 3055	Tobacco Use/Tobacco Access by Minors Tobacco Use/Vendor Licensure
Mississippi	S.B. 2644	Tobacco Use/Smoke-Free Air
Nebraska	L.R. 532	Cancer—General/Awareness
New Hampshire	H.B. 1541	Tobacco Use/Smoke-Free Air Tobacco Use/Tobacco Access by Minors
	H.B. 1a	Tobacco Use/Excise Taxes
	S.B. 510	Cancer—General/Research and Prevention
New York	A.B. 11515	Tobacco Use/Excise Taxes
	S.B. 3788	Surveillance/Cancer Registries
	S.B. 8090	Breast Cancer/Public/Professional Education Cancer—General/Screening and Treatment Information Cancer—General/Screening and Treatment Programs Cervical Cancer/Public/Professional Education Colorectal Cancer/Public/Professional Education Health Disparities/Screening and Treatment Information Health Disparities/Screening and Treatment Programs Ovarian Cancer/Public/Professional Education Prostate Cancer/Public/Professional Education Skin Cancer/Public/Professional Education Testicular Cancer/Public/Professional Education

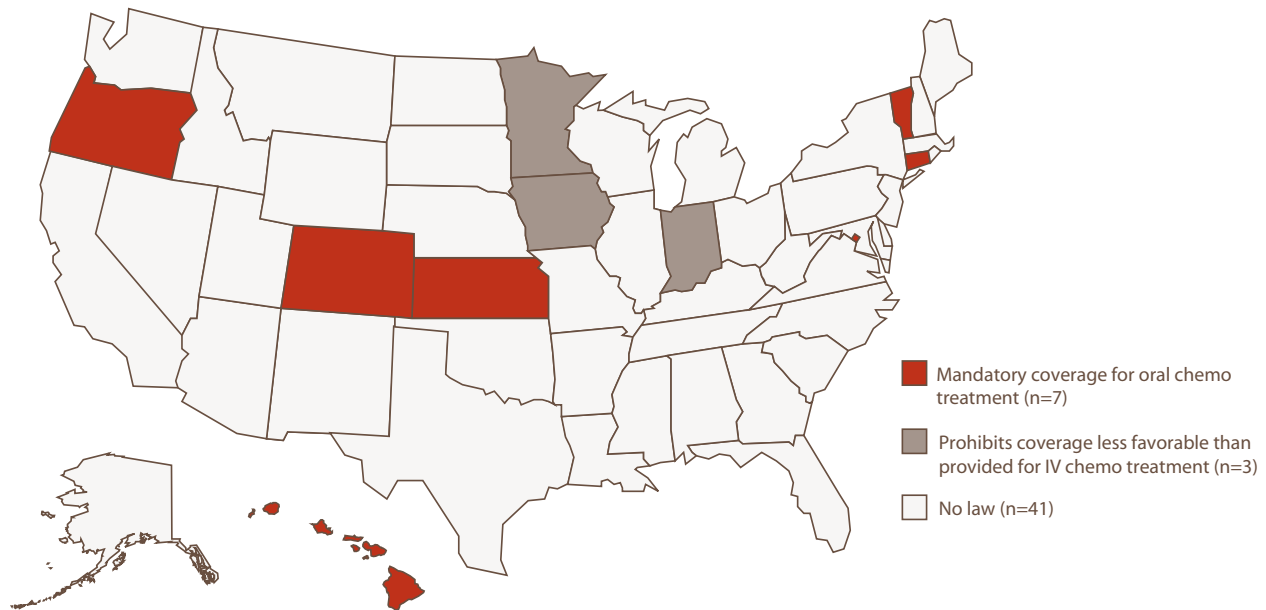
State	Measure No.	Content Area
Oklahoma	H.B. 2748	Tobacco Use/Smoke-Free Air
	H.C.R. 1064	Cancer—General/Awareness Health Disparities/Awareness and Acknowledgment
	S.B. 1919	Cancer—General/Research and Prevention
	S.B. 2054	Breast Cancer/Screening and Treatment Reimbursement Genetics/Insurance Discrimination
Pennsylvania	H.R. 728	Cancer—General/Awareness
	H.R. 805	Cancer—General/Awareness Health Disparities/Awareness and Acknowledgment
	H.R. 841	Breast Cancer/Awareness
	S.R. 229	Breast Cancer/Screening and Treatment Information
	S.R. 338	Skin Cancer/Awareness
Rhode Island	H.R. 8059	Breast Cancer/Awareness
	H.R. 8259/S.R. 2993	Ovarian Cancer/Awareness
	S.R. 2771	Surveillance/Cancer Registries
South Carolina	H.B. 3584	Tobacco Use/Excise Taxes
	H.B. 4657	Tobacco Use/Miscellaneous-Tobacco
	S.B. 1224	Genetics/Insurance Discrimination
Tennessee	H.J.R. 906	Colorectal Cancer/Awareness Health Disparities/Awareness and Acknowledgment
	S.B. 3625	State-of-the-Art Treatment/General
	S.J.R. 890	Breast Cancer/Screening and Treatment Information
Vermont	H.B. 783	Tobacco Use/Excise Taxes
	S.B. 88	Cancer/Research and Prevention Tobacco Use/Treatment Reimbursement
Virginia	H.B. 1375	State-of-the-Art Treatment/General
	H.B. 626	Tobacco Use/Excise Taxes
Washington	H.B. 2493	Tobacco Use/Excise Taxes
	S.B. 6444	Tobacco Use/Public/Professional Education
West Virginia	H.B. 2773	Tobacco Use/Tobacco Access by Minors
Wisconsin	S.B. 163	Colorectal Cancer/Screening and Treatment Reimbursement

Legislative Abbreviations

A.C.R.	Assembly Concurrent Resolution	H.R.	House Resolution	S.B.	Senate Bill
A.B.	Assembly Bill	L.B.	Legislative Bill	S.C.R.	Senate Concurrent Resolution
H.B.	House Bill	L.C.R.	Legislative Council Resolution	S.J.R.	Senate Joint Resolution
H.C.R.	House Concurrent Resolution	L.R.	Legislative Resolution	S.R.	Senate Resolution
H.J.R.	House Joint Resolution				

Legislative Data Byte

States with Laws Addressing Insurance Coverage for Oral Chemotherapy Treatment (enacted as of June 30, 2010)



Chemotherapy (chemo) is the use of drugs to kill or slow the growth or spread of cancerous cells. Chemo drugs come in many forms and are dispensed and administered in different ways.

The most common type of chemo treatment, intravenous (IV), occurs when a catheter or port delivers the drug directly into a vein.¹ The administration of IV chemotherapy for cancer treatment is typically classified by health insurance policies as a medical expense and most costs associated with receiving IV chemo treatment are covered under these policies. Intravenous chemo treatment usually occurs in a medical facility, and in most cases, an insured patient undergoing such treatment will pay a copayment per visit, or the deductible amount required by his/her health plan.

Advancements in the field of cancer treatment have led to the development of oral chemotherapy drugs. Unlike conventional IV treatment, oral chemotherapy can be administered at home, by mouth, as a liquid, tablet, or capsule.

Most health insurance plans do not categorize oral chemotherapy treatment as a medical expense; instead,

it is often covered under the prescription drug component of the plan. Many health plans severely limit drug benefits and impose caps or annual coverage limits. As a result, the out-of-pocket expense of oral chemo treatment is much higher than the out-of-pocket expense of IV chemo treatment.

Many states have taken action to mandate that certain insurers provide equal coverage for oral and IV chemo treatment. The **District of Columbia** and nine states have enacted laws addressing insurance coverage for orally-administered cancer treatment. Laws in **Colorado, Connecticut, the District of Columbia, Hawaii, Kansas, Oregon, and Vermont** require specified insurers to provide coverage for oral chemotherapy under the same terms and conditions as coverage for IV chemo treatment. Laws in **Indiana, Iowa, and Minnesota** prohibit coverage for oral chemo treatment that is less favorable than the terms and conditions of coverage provided for IV treatment.

1. American Cancer Society. *Oral Chemotherapy: What You Need to Know*. Retrieved on June 21, 2010 from <http://www.cancer.org/Treatment/TreatmentsandSideEffects/TreatmentTypes/Chemotherapy/oral-chemotherapy>

The SCLD contains information synthesized from state-level laws and resolutions, although resolutions not designated as such by the states are not captured. It does not contain state-level regulations; executive orders; measures implemented by counties, cities, or other localities; opinions of Attorneys General; or data addressing the implementations of state laws—all of which may vary significantly from the laws reported herein. Although coverage of Medicaid and Medicare law is not comprehensive, some SCLD records include these data.

ABOUT SCLD

The SCLD Program maintains a database of state cancer-related legislation and serves as an important resource for research and analysis of cancer-related health policy. The SCLD Program also monitors the role of state legislation in public health and the application of cancer control science. Because of the volume of enacted laws, minor amendments to laws are not reported. Information about state legislative actions related to cancer prevention and control is provided through the *SCLD Update*, the SCLD Program Web site, and the National Cancer Institute's Cancer Information Service (1-800-4-CANCER).

VISIT THE SCLD WEB SITE

Visit the SCLD Program Web site at: www.sclد-nci.net and select "Search Database" to access more than 7,600 abstracts of enacted laws and adopted resolutions. While you are there, view additional Web site features and sign up for e-mail notification of Web site updates.

The SCLD Program Web site also includes a brief overview of the SCLD Program; access to current fact sheets and current and archived editions of the *SCLD Update*; data and information related to the tobacco ratings project; copies of SCLD presentations; information about submitting inquiries to the SCLD Program; and contacts and e-mail addresses for additional information. In addition, links are provided to the Web sites of the National Institutes of Health, the National Cancer Institute (NCI), NCI's Office of Government and Congressional Relations, and NCI's Center to Reduce Cancer Health Disparities.

For subscription information/address changes, contact:

Regina el Arculli, M.A.
Director, State Cancer Legislative Database Program
National Cancer Institute
Office of Government and Congressional Relations
Building 31, Room 10A48
31 Center Drive, MSC 2580
Bethesda, MD 20892-2580
301.496.5217, 301.402.1225 FAX
e-mail: elarculli@nih.gov

For additional copies of the *SCLD Update*, contact:

SCLD Program
c/o The MayaTech Corporation
Center for Health Policy and Legislative Analysis
1100 Wayne Avenue
Suite 825
Silver Spring, MD 20910
301.587.1600, 301.587.0709 FAX
e-mail: sclد@mayatech.com

State Cancer Legislative Database Program

National Cancer Institute

Building 31, Room 10A48
31 Center Drive, MSC 2580
Bethesda, MD 20892-2580