**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING SECTION 38‑71‑144 SO AS TO PROVIDE DEFINITIONS AND THAT NO HEALTH BENEFIT PLAN MAY REQUIRE AN INSURED TO FAIL TO SUCCESSFULLY RESPOND TO A DRUG OR DRUGS FOR STAGE FOUR ADVANCED, METASTATIC CANCER PRIOR TO THE APPROVAL OF A DRUG PRESCRIBED BY HIS OR HER PHYSICIAN.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Article 1, Chapter 71, Title 38 of the 1976 Code is amended by adding:

“Section 38‑71‑144. (A) For purposes of this section:

(1) ‘Health benefit plan’ means all individual and group health insurance policies and health maintenance organizations, to include the State Health Plan.

(2) ‘Stage four advanced, metastatic cancer’ means cancer that has spread from the primary or original site of the cancer to nearby tissues, lymph nodes, or other areas or parts of the body.

(B) No health benefit plan issued, delivered, or renewed in this State that, as a provision of hospital, medical, or surgical services, directly or indirectly covers the treatment of stage four advanced, metastatic cancer may limit or exclude coverage for a drug approved by the United States Food and Drug Administration by mandating that the insured must first be required to fail to respond successfully to a different drug or drugs or prove a history of failure of such drug or drugs; provided, however, that the use of such drug or drugs is consistent with best practices for the treatment of stage four advanced, metastatic cancer and is supported by peer-reviewed literature.”

SECTION 2. This act takes effect upon approval by the Governor, and applies to health insurance plans issued, renewed, delivered, or entered into on or after the effective date of this act.

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