

**SENATE . . . . . No. 808**

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**The Commonwealth of Massachusetts**

PRESENTED BY:

*Susan L. Moran*

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to cancer patient access to biomarker testing to provide appropriate therapy.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Susan L. Moran</i>	<i>Plymouth and Barnstable</i>	
<i>Michael O. Moore</i>	<i>Second Worcester</i>	<i>3/9/2021</i>

**SENATE . . . . . No. 808**

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By Ms. Moran, a petition (accompanied by bill, Senate, No. 808) of Susan L. Moran and Michael O. Moore for legislation relative to cancer patient access to biomarker testing to provide appropriate therapy. Health Care Financing.

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**The Commonwealth of Massachusetts**

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**In the One Hundred and Ninety-Second General Court  
(2021-2022)**  
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An Act relative to cancer patient access to biomarker testing to provide appropriate therapy.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. Chapter 32A of the General Laws is hereby amended by inserting after  
2 section 17Q, the following section:-

3 Section 17R. Any coverage offered by the commission to an active or retired employee of  
4 the commonwealth insured under the group insurance commission, shall not require prior  
5 authorization for biomarker testing for an enrollee with advanced or metastatic stage 3 or 4  
6 cancer, nor shall prior authorization be required for biomarker testing of cancer progression or  
7 recurrence in the insured with advanced or metastatic stage 3 or 4 cancer.

8

9 For purposes of this section, “biomarker test” means a diagnostic test of the cancer  
10 patient’s biospecimen, such as tissue, blood, and/or other bodily fluids, for DNA and/or RNA  
11 alterations to identify an individual with a subtype of cancer in order to guide patient treatment.

12 SECTION 2. Chapter 118E of the General Laws is hereby amended by inserting after  
13 section 10L, the following section:-

14 Section 10M. The division shall not require prior authorization for biomarker testing for  
15 an enrollee with advanced or metastatic stage 3 or 4 cancer, nor shall prior authorization be  
16 required for biomarker testing of cancer progression or recurrence in the insured with advanced  
17 or metastatic stage 3 or 4 cancer.

18

19 For purposes of this section, “biomarker test” means a diagnostic test of the cancer  
20 patient’s biospecimen, such as tissue, blood, and/or other bodily fluids, for DNA and/or RNA  
21 alterations to identify an individual with a subtype of cancer in order to guide patient treatment.

22 SECTION 3. Chapter 175 of the General Laws is hereby amended by inserting after  
23 section 47KK, the following section:-

24 Section 47LL. The following shall not require prior authorization for biomarker testing  
25 for an enrollee with advanced or metastatic stage 3 or 4 cancer, nor shall prior authorization be  
26 required for biomarker testing of cancer progression or recurrence in the insured with advanced  
27 or metastatic stage 3 or 4 cancer.: (i) any policy of accident and sickness insurance, as described  
28 in section 108, which provides hospital expense and surgical expense insurance and which is  
29 delivered, issued or subsequently renewed by agreement between the insurer and policyholder in  
30 the commonwealth; (ii) any blanket or general policy of insurance described in subdivision (A),  
31 (C) or (D) of section 110 which provides hospital expense and surgical expense insurance and  
32 which is delivered, issued or subsequently renewed by agreement between the insurer and the  
33 policyholder in or outside of the commonwealth; or (iii) any employees health and welfare fund

34 which provides hospital expense and surgical expense benefits and which is delivered, issued or  
35 renewed to any person or group of persons in the commonwealth.

36 For purposes of this section, “biomarker test” means a diagnostic test of the cancer  
37 patient’s biospecimen, such as tissue, blood, and/or other bodily fluids, for DNA and/or RNA  
38 alterations to identify an individual with a subtype of cancer in order to guide patient treatment.

39 SECTION 4. Chapter 176A of the General Laws is hereby amended by inserting after  
40 section 8MM, the following section:-

41 Section 8NN. Any contract between a subscriber and the corporation under an individual  
42 or group hospital service plan which is delivered, issued or renewed within the commonwealth  
43 shall not require prior authorization for biomarker testing for an enrollee with advanced or  
44 metastatic stage 3 or 4 cancer, nor shall prior authorization be required for biomarker testing of  
45 cancer progression or recurrence in the insured with advanced or metastatic stage 3 or 4 cancer.

46

47 For purposes of this section, “biomarker test” means a diagnostic test of the cancer  
48 patient’s biospecimen, such as tissue, blood, and/or other bodily fluids, for DNA and/or RNA  
49 alterations to identify an individual with a subtype of cancer in order to guide patient treatment.

50 SECTION 5. Chapter 176B of the General Laws is hereby amended by inserting after  
51 section 4MM, the following section:-

52 Section 4NN. Any subscription certificate under an individual or group medical service  
53 agreement delivered, issued or renewed within the commonwealth shall not require prior  
54 authorization for biomarker testing for an enrollee with advanced or metastatic stage 3 or 4

55 cancer, nor shall prior authorization be required for biomarker testing of cancer progression or  
56 recurrence in the insured with advanced or metastatic stage 3 or 4 cancer.

57

58 For purposes of this section, “biomarker test” means a diagnostic test of the cancer  
59 patient’s biospecimen, such as tissue, blood, and/or other bodily fluids, for DNA and/or RNA  
60 alterations to identify an individual with a subtype of cancer in order to guide patient treatment.

61 SECTION 6. Chapter 176G of the General Laws is hereby amended by inserting after  
62 section 4EE, as so appearing, the following section:-

63 Section 4FF. Any individual or group health maintenance contract shall not require prior  
64 authorization for biomarker testing for an enrollee with advanced or metastatic stage 3 or 4  
65 cancer, nor shall prior authorization be required for biomarker testing of cancer progression or  
66 recurrence in the insured with advanced or metastatic stage 3 or 4 cancer.

67

68 For purposes of this section, “biomarker test” means a diagnostic test of the cancer  
69 patient’s biospecimen, such as tissue, blood, and/or other bodily fluids, for DNA and/or RNA  
70 alterations to identify an individual with a subtype of cancer in order to guide patient treatment.