

# HOUSE . . . . . No. 1020

---

## The Commonwealth of Massachusetts

PRESENTED BY:

*Colleen M. Garry*

*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 colon cancer under the age of 50 years of age, prevalence, screening and insurance coverage and care in the Commonwealth aka Martha's Bill.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Colleen M. Garry</i>	<i>36th Middlesex</i>	<i>1/10/2023</i>
<i>Steven S. Howitt</i>	<i>4th Bristol</i>	<i>1/23/2023</i>
<i>Marcus S. Vaughn</i>	<i>9th Norfolk</i>	<i>1/23/2023</i>
<i>Josh S. Cutler</i>	<i>6th Plymouth</i>	<i>1/26/2023</i>
<i>Vanna Howard</i>	<i>17th Middlesex</i>	<i>2/1/2023</i>
<i>Kay Khan</i>	<i>11th Middlesex</i>	<i>2/1/2023</i>
<i>Hannah Kane</i>	<i>11th Worcester</i>	<i>2/1/2023</i>
<i>Carol A. Doherty</i>	<i>3rd Bristol</i>	<i>2/7/2023</i>
<i>Bruce E. Tarr</i>	<i>First Essex and Middlesex</i>	<i>4/6/2023</i>
<i>Edward J. Kennedy</i>	<i>First Middlesex</i>	<i>4/20/2023</i>

# HOUSE . . . . . No. 1020

---

By Representative Garry of Dracut, a petition (accompanied by bill, House, No. 1020) of Colleen M. Garry and others relative to colon cancer under the age of 50 years of age, prevalence, screening and insurance coverage and care. Financial Services.

---

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 1098 OF 2021-2022.]

## The Commonwealth of Massachusetts

\_\_\_\_\_  
In the One Hundred and Ninety-Third General Court  
(2023-2024)  
\_\_\_\_\_

An Act relative to colon cancer under the age of 50 years of age, prevalence, screening and insurance coverage and care in the Commonwealth aka Martha's Bill.

*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, as appearing in the 2016 Official  
2 Edition, is hereby amended by inserting after section 17Q the following section:-

3           Section 17R. (a) The commission shall provide to any active or retired employee of the  
4 commonwealth starting at 45 years of age who is insured under the group insurance commission  
5 coverage for colorectal cancer screening as found medically necessary by the insured's primary  
6 care physician, including: (i) Flexible sigmoidoscopy every 5 years; (ii) Flexible sigmoidoscopy  
7 every 10 years plus FIT every year; (iii) KRAS, BRAF, PIK3CA Array as frequent as medically  
8 necessary; (iv) FIT-DNA every year or every 3 years, as medically necessary; (v) FIT every  
9 year; (vi) HSgFOBT every year; (vii) CT colonography every 5 years; and (vii) colonoscopy

every 5 or 10 years. For the purposes of this section the term “colonoscopy”, shall mean a colorectal cancer screening service procedure that enables a physician to examine visually the inside of a patient's entire colon and includes the concurrent removal of polyps or biopsy, or both.

(b) Colorectal cancer screening services pursuant to subsection (a) performed under contract with the commission shall not be subject to any co-payment, deductible, coinsurance or other cost-sharing requirement. In addition, an insured shall not be subject to any additional charge for any service associated with a procedure or test for colorectal cancer screening, which may include 1 or more of the following: (i) removal of tissue or other matter; (ii) laboratory services; (iii) physician services; (iv) facility use, regardless of whether such facility is a hospital; and (v) anesthesia.

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

Section 47LL. (a) Any policy of accident and sickness insurance issued pursuant to section 108, and any group blanket policy of accident and sickness insurance issued pursuant to section 110 that is delivered, issued or renewed by agreement within or without the commonwealth shall provide coverage, starting at 45 years of age, for colorectal cancer screening as found medically necessary by the insured's primary care physician, including: (i) Flexible sigmoidoscopy every 5 years; (ii) Flexible sigmoidoscopy every 10 years plus FIT every year; (iii) KRAS, BRAF, PIK3CA Array as frequent as medically necessary; (iv) FIT-DNA every year or every 3 years, as medically necessary; (v) FIT every year; (vi) HSgFOBT every year; (vii) CT colonography every 5 years; and (viii) colonoscopy every 5 or 10 years. For the

purposes of this section the term “colonoscopy”, shall mean a procedure that enables a physician to examine visually the inside of a patient's entire colon and includes the concurrent removal of polyps or biopsy, or both.

(b) Colorectal cancer screening services pursuant to subsection (a) performed under this section shall not be subject to any co-payment, deductible, coinsurance or other cost-sharing requirement. In addition, an insured shall not be subject to any additional charge for any service associated with a procedure or test for colorectal cancer screening, which may include 1 or more of the following: (i) removal of tissue or other matter; (ii) laboratory services; (iii) physician services; (iv) facility use, regardless of whether such facility is a hospital; and (v) anesthesia.

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

Section 8NN. (a) Any contract between a subscriber and the corporation under an individual or group hospital service plan which is delivered, issued or renewed within the commonwealth shall provide coverage, starting at 45 years of age, for colorectal cancer screening as found medically necessary by the insured’s primary care physician, including: (i) Flexible sigmoidoscopy every 5 years; (ii) Flexible sigmoidoscopy every 10 years plus FIT every year; (iii) KRAS, BRAF, PIK3CA Array as frequent as medically necessary; (iv) FIT-DNA every year or every 3 years, as medically necessary; (v) FIT every year; (vi) HSgFOBT every year; (vii) CT colonography every 5 years; and (viii) colonoscopy every 5 or 10 years. For the purposes of this section the term “colonoscopy”, shall mean a procedure that enables a physician to examine visually the inside of a patient's entire colon and includes the concurrent removal of polyps or biopsy, or both.

(b) Colorectal cancer screening services pursuant to subsection (a) performed under this section shall not be subject to any co-payment, deductible, coinsurance or other cost-sharing requirement. In addition, an insured shall not be subject to any additional charge for any service associated with a procedure or test for colorectal cancer screening, which may include 1 or more of the following: (i) removal of tissue or other matter; (ii) laboratory services; (iii) physician services; (iv) facility use, regardless of whether such facility is a hospital; and (v) anesthesia.

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

Section 4NN. (a) Any subscription certificate under an individual or group medical service agreement delivered, issued or renewed within the commonwealth shall provide coverage, starting at 45 years of age, for colorectal cancer screening as found medically necessary by the insured's primary care physician, including: (i) Flexible sigmoidoscopy every 5 years; (ii) Flexible sigmoidoscopy every 10 years plus FIT every year; (iii) KRAS, BRAF, PIK3CA Array as frequent as medically necessary; (iv) FIT-DNA every year or every 3 years, as medically necessary; (iv) FIT every year; (vi) HSgFOBT every year; (vii) CT colonography every 5 years; and (viii) colonoscopy every 5 or 10 years. For the purposes of this section the term "colonoscopy", shall mean a procedure that enables a physician to examine visually the inside of a patient's entire colon and includes the concurrent removal of polyps or biopsy, or both.

(b) Colorectal cancer screening services pursuant to subsection (a) performed under this section shall not be subject to any co-payment, deductible, coinsurance or other cost-sharing requirement. In addition, an insured shall not be subject to any additional charge for any service

associated with a procedure or test for colorectal cancer screening, which may include 1 or more of the following: (i) removal of tissue or other matter; (ii) laboratory services; (iii) physician services; (iv) facility use, regardless of whether such facility is a hospital; and (v) anesthesia.

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

Section 4FF. (a) An individual or group health maintenance contract that is issued or renewed shall provide coverage, starting at 45 years of age, for colorectal cancer screening as found medically necessary by the insured's primary care physician, including: (i) Flexible sigmoidoscopy every 5 years; (ii) Flexible sigmoidoscopy every 10 years plus FIT every year; (iii) KRAS, BRAF, PIK3CA Array as frequent as medically necessary; (iv) FIT-DNA every year or every 3 years, as medically necessary; (v) FIT every year; (vi) HSgFOBT every year; (vii) CT colonography every 5 years; and (viii) colonoscopy every 5 or 10 years. For the purposes of this section the term "colonoscopy", shall mean a procedure that enables a physician to examine visually the inside of a patient's entire colon and includes the concurrent removal of polyps or biopsy, or both.

(b) Colorectal cancer screening services pursuant to subsection (a) performed under this section shall not be subject to any co-payment, deductible, coinsurance or other cost-sharing requirement. In addition, an insured shall not be subject to any additional charge for any service associated with a procedure or test for colorectal cancer screening, which may include 1 or more of the following: (i) removal of tissue or other matter; (ii) laboratory services; (iii) physician services; (iv) facility use, regardless of whether such facility is a hospital; and (v) anesthesia.

SECTION 7.

98           Resolved, that a special commission, to consist of 13 members as follows: the secretary  
99   of the executive office of health and human services, or a designee; the commissioner of public  
100   health, or a designee; the commissioner of insurance, or a designee; and 10 members who shall  
101   be appointed as follows: 3 members appointed by the senate president, 1 of whom shall be the  
102   senate chairman of the joint committee on public health, or a designee, 1 of whom shall be a  
103   person with Colon Cancer under the age of 50 years old and 1 of whom is a medical specialist in  
104   Colon Cancer under the age of 50 years old ; 3 members appointed by the speaker of the house  
105   of representatives, 1 of whom shall be the house chairman of the joint committee on public  
106   health, or a designee, 1 of whom shall be a person with Colon Cancer under the age of 50 years  
107   old and 1 of whom is a medical specialist in Colon Cancer under the age of 50 years old ; and 4  
108   members appointed by the governor, 1 of whom shall be a person with Colon Cancer under the  
109   age of 50 years old , 1 of whom is a medical specialist in Colon Cancer under the age of 50 years  
110   old, and 2 members of the public with demonstrated expertise in issues relating to the work of  
111   the commission, is hereby established for the purpose of making an investigation and study to:

112           (1) establish a mechanism in order to ascertain the prevalence of Colon Cancer under the  
113   age of 50 years old in Massachusetts, and the unmet needs

114           of persons with Colon Cancer under the age of 50 years old and those of their families;  
115   collect time of diagnosis statistics and likely risks for Colon Cancer under the age of 50 years  
116   old;

117           (2) study Colon Cancer under the age of 50 years old prevention, screening, education  
118   and support programs for Colon Cancer under the age of 50 years old in the Commonwealth;

119           (3) provide recommendations for additional legislation, support programs and resources  
120 necessary to meet the unmet needs of persons with Colon Cancer under the age of 50 years old  
121 and their families and how to effectuate an early diagnosis and treatment for Colon Cancer under  
122 the age of 50 years old patients.

123           Vacancies in the membership of the commission shall be filled in the same manner  
124 provided for the original appointments.

125           The commission shall organize within 120 days following the appointment of a majority  
126 of its members and shall select a chairperson and vice-chairperson from among the members.  
127 The chairperson shall appoint a secretary who need not be a member of the commission.

128           The public members shall serve without compensation, but shall be reimbursed for  
129 necessary expenses incurred in the performance of their duties as provided by section 2A of  
130 chapter 4 of the General Laws.

131           The commission shall be entitled to call to its assistance and avail itself of the services of  
132 the employees of any state, county or municipal department, board, bureau, commission or  
133 agency as it may require and as may be available to it for its purposes.

134           The executive office of health and human services shall provide staff support to the  
135 commission.

136           The commission shall report to the general court the results of its investigation and study  
137 and its recommendations, if any, together with drafts of legislation necessary to carry its  
138 recommendations into effect, by filing the same with the clerk of the senate and the clerk of the  
139 House of representatives on or before December 31, 2023.