

SENATE BILL NO. 738

March 05, 2024, Introduced by Senators IRWIN, GEISS, POLEHANKI, JOHNSON, MCMORROW, BAYER, CAVANAGH, SHINK, MCBROOM and CHANG and referred to the Committee on Finance, Insurance, and Consumer Protection.

A bill to amend 1956 PA 218, entitled
"The insurance code of 1956,"
by amending section 3406e (MCL 500.3406e), as amended by 2016 PA
276.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 Sec. 3406e. **(1)** An insurer that delivers, issues for delivery,
2 or renews in this state a health insurance policy shall provide
3 coverage in each policy for a drug, **including genetic therapy and**
4 **immunotherapy**, used in antineoplastic therapy and the reasonable
5 cost of its administration. Coverage must be provided for any

1 United States Food and Drug Administration approved drug regardless
2 of whether the specific neoplasm for which the drug is being used
3 as treatment is the specific neoplasm for which the drug has
4 received approval by the United States Food and Drug Administration
5 if all of the following conditions are met:

6 (a) The drug is ordered by a physician for the treatment of a
7 specific type of neoplasm.

8 (b) The drug is approved by the United States Food and Drug
9 Administration for use in antineoplastic therapy.

10 (c) The drug is used as part of an antineoplastic drug
11 regimen.

12 (d) Current medical literature substantiates its efficacy and
13 recognized oncology organizations generally accept the treatment.

14 (e) The physician has obtained informed consent from the
15 patient for the treatment regimen that includes United States Food
16 and Drug Administration approved drugs for off-label indications.

17 **(2) As used in this section, "genetic therapy and**
18 **immunotherapy" includes, but is not limited to, CAR-T cell therapy.**