



GOV. MSG. NO. 1130

EXECUTIVE CHAMBERS  
HONOLULU

NEIL ABERCROMBIE  
GOVERNOR

April 20, 2012

The Honorable Shan Tsutsui, President  
and Members of the Senate  
Twenty-Sixth State Legislature  
State Capitol, Room 409  
Honolulu, Hawaii 96813

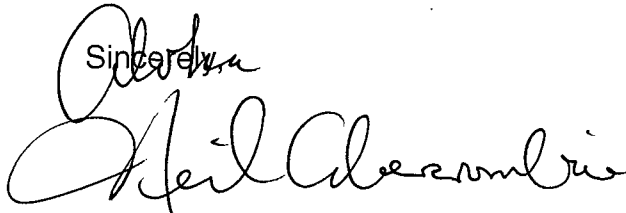
The Honorable Calvin Say, Speaker  
and Members of the House  
Twenty-Sixth State Legislature  
State Capitol, Room 431  
Honolulu, Hawaii 96813

Dear President Tsutsui, Speaker Say and Members of the Legislature:

This is to inform you that on April 20, 2012, the following bill was signed into law:

HB1964 HD2

RELATING TO HEALTH.  
**Act 030 (12)**

Sincerely,  


NEIL ABERCROMBIE  
Governor, State of Hawaii

## A BILL FOR AN ACT

RELATING TO HEALTH.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF HAWAII:

1 SECTION 1. Section 431:10A-126, Hawaii Revised Statutes,  
2 is amended to read as follows:

3 " ~~[+] §431:10A-126 [ ] Chemotherapy services.~~ Cancer  
4 treatment. (a) Notwithstanding section 23-51, all individual  
5 and group accident and health or sickness insurance policies  
6 that include coverage or benefits for the treatment of cancer  
7 shall provide payment or reimbursement for all types of  
8 chemotherapy that ~~[is]~~ are considered medically necessary as  
9 defined in section 432E-1.4~~[, including]~~.

10 (b) The cost-sharing for generic and non-generic [orally  
11 administered] oral chemotherapy[ ] shall be provided at the same  
12 or lower [copayment percentage or relative coinsurance] amount  
13 or percentage as is applied to generic and non-generic  
14 intravenously administered chemotherapy; provided that [this  
15 section shall not apply to an accident only, specified disease,  
16 hospital indemnity, long term care, or other limited benefit  
17 health insurance policy.] an insurer shall not increase the



1 cost-share for intravenously administered chemotherapy in order  
2 to achieve compliance with this subsection.

3 (c) Individual and group accident and health or sickness  
4 insurance policies shall not increase enrollee cost-sharing for  
5 non-generic medications used for the treatment of cancer to any  
6 greater extent than such policies increase enrollee cost-sharing  
7 for other covered non-generic medication.

8 ~~[(b)]~~ (d) For the purposes of this section:

9 "Cost-share" or "cost-sharing" means copayment,  
10 coinsurance, or deductible provisions applicable to coverage for  
11 medications or treatments.

12 "Intravenously administered chemotherapy" means a  
13 physician-prescribed cancer treatment that is administered  
14 through injection directly into the patient's circulatory system  
15 by a physician, physician assistant, nurse practitioner, nurse,  
16 or other medical personnel under the supervision of a physician  
17 and in a hospital, medical office, or other clinical setting.

18 "Oral chemotherapy" means a United States Food and Drug  
19 Administration-approved, physician-prescribed cancer treatment  
20 that is taken orally in the form of a tablet or capsule and may  
21 be administered in a hospital, medical office, or other clinical  
22 setting or may be delivered to the patient for self-



1 administration under the direction or supervision of a physician  
2 outside of a hospital, medical office, or other clinical  
3 setting.

4 (e) This section shall not apply to an accident-only,  
5 specified disease, hospital indemnity, long-term care, or other  
6 limited-benefit health insurance policy."

7 SECTION 2. Section 432:1-616, Hawaii Revised Statutes, is  
8 amended to read as follows:

9 "~~[+]§432:1-616[]~~ ~~Chemotherapy services.~~ Cancer treatment.

10 (a) All individual and group hospital and medical service plan  
11 contracts that include coverage or benefits for the treatment of  
12 cancer shall provide payment or reimbursement for all types of  
13 chemotherapy that ~~[is]~~ are considered medically necessary as  
14 defined in section 432E-1.4~~[, including]~~.

15 (b) The cost-sharing for generic and non-generic [orally  
16 administered] oral chemotherapy[,-] shall be provided at the same  
17 or lower [copayment percentage or relative coinsurance] amount  
18 or percentage as is applied to generic and non-generic  
19 intravenously administered chemotherapy; provided that [this  
20 section shall not apply to an accident only, specified disease,  
21 hospital indemnity, long term care, or other limited benefit  
22 health insurance policy.] an insurer shall not increase the



1 cost-share for intravenously administered chemotherapy in order  
2 to achieve compliance with this subsection.

3 (c) Individual and group hospital and medical service plan  
4 contracts shall not increase enrollee cost-sharing for non-  
5 generic medications used for the treatment of cancer to any  
6 greater extent than such policies increase enrollee cost-sharing  
7 for other covered non-generic medication.

8 ~~(b)~~ (d) For the purposes of this section:

9 "Cost-share" or "cost-sharing" means copayment,  
10 coinsurance, or deductible provisions applicable to coverage for  
11 medications or treatments.

12 "Intravenously administered chemotherapy" means a  
13 physician-prescribed cancer treatment that is administered  
14 through injection directly into the patient's circulatory system  
15 by a physician, physician assistant, nurse practitioner, nurse,  
16 or other medical personnel under the supervision of a physician  
17 and in a hospital, medical office, or other clinical setting.

18 "Oral chemotherapy" means a United States Food and Drug  
19 Administration-approved, physician-prescribed cancer treatment  
20 that is taken orally in the form of a tablet or capsule and may  
21 be administered in a hospital, medical office, or other clinical  
22 setting or may be delivered to the patient for self-



1 administration under the direction or supervision of a physician  
2 outside of a hospital, medical office, or other clinical  
3 setting.

4 (e) This section shall not apply to an accident-only,  
5 specified disease, hospital indemnity, long-term care, or other  
6 limited-benefit health insurance policy."

7 SECTION 3. Statutory material to be repealed is bracketed  
8 and stricken. New statutory material is underscored.

9 SECTION 4. This Act shall take effect upon its approval.

APPROVED this 20 day of APR. , 2012



GOVERNOR OF THE STATE OF HAWAII

