

**2013 Senate Bill 300 (LRB -0647)**

An Act to amend 40.51 (8), 40.51 (8m), 66.0137 (4), 120.13 (2) (g) and 185.983 (1) (intro.); and to create 609.837 and 632.867 of the statutes; relating to: copayments, deductibles, or coinsurance for oral chemotherapy and injected or intravenous chemotherapy. (FE)

**2013**

09-13. S. Introduced by Senators **Darling, L. Taylor, Harsdorf, Moulton, Olsen, Petrowski, Schultz, Carpenter, Erpenbach, Hansen, Lassa, Miller, Risser, Vinehout and Wirch**; cosponsored by Representatives **Strachota, Barca, Jacque, Tittl, Thiesfeldt, Loudenbeck, Stone, Kerkman, Schraa, Brooks, T. Larson, Pridemore, Tranel, A. Ott, Ripp, Ballweg, Bernier, Bies, Kaufert, Knodl, Zamarripa, Hulse, Ohnstad, Johnson, Berceau, Kolste, Mason, Sinicki, Vruwink, Bewley, Pasch, Richards, Goyke, Riemer, Hesselbein, Smith, Danou, Hebl, Young, Zepnick and Kahl** ..... 360

09-13. S. Read first time and referred to Committee on Insurance and Housing ..... 360

10-03. S. Fiscal estimate received

10-09. S. Public hearing held

11-08. S. Fiscal estimate received

**2014**

01-09. S. Representative Shankland added as a cosponsor ..... 556

01-22. S. Executive action taken

01-30. S. Report passage recommended by Committee on Insurance and Housing, Ayes 5, Noes 0 ..... 620

01-30. S. Available for scheduling

02-06. S. Senator Ellis added as a coauthor ..... 640

03-18. S. Rules suspended to withdraw from committee on Senate Organization and take up ..... 787

03-18. S. Read a second time ..... 787

03-18. S. Ordered to a third reading ..... 787

03-18. S. Rules suspended ..... 787

03-18. S. Read a third time and **passed**, Ayes 30, Noes 2 ..... 787

03-18. S. Ordered immediately messaged ..... 788

03-18. A. Refused to suspend rules to withdraw from Senate message and take up, Ayes 38, Noes 58 ..... 755

03-18. A. Representative Wright added as a cosponsor ..... 755

03-18. A. Received from Senate ..... 749

03-18. A. Read first time and referred to committee on Rules ..... 750

03-18. A. Made a special order of business at 10:28 AM on 3-20-2014 pursuant to Assembly Resolution 28 ..... 767

03-19. A. Representative Barnes added as a cosponsor ..... 774

03-20. A. Read a second time ..... 793

03-20. A. Representatives Bernard Schaber, Billings, Clark, Doyle, Genrich, Hintz, Jorgensen, Kessler, Milroy, Pope, Ringhand, Sargent, C. Taylor and Wachs added as cosponsors ..... 793

03-20. A. Assembly Amendment 1 offered by Representative Strachota (**LRB a2214**) ..... 793

03-20. A. Refused to reject Assembly Amendment 1, Ayes 40, Noes 54 ..... 793

03-20. A. Assembly Amendment 1 **adopted** ..... 794

03-20. A. Ordered to a third reading ..... 794

03-20. A. Rules suspended ..... 794

03-20. A. Representatives Swearingen, J. Ott, Marklein, Petryk, Williams and Petersen added as cosponsors ..... 794

03-20. A. Read a third time and **concurred in** as amended, Ayes 75, Noes 18, Paired 2 ..... 794

03-20. A. Ordered immediately messaged ..... 794

03-21. S. Received from Assembly amended and concurred in as amended, Assembly Amendment 1 adopted ..... 805

03-21. S. Available for scheduling

03-31. S. Placed on calendar 4-1-2014 pursuant to Senate Rule 18(1) ..... 822

04-01. S. Senate Amendment 1 to Assembly Amendment 1 offered by Senators Jauch, T. Cullen, Hansen, Carpenter, L. Taylor, Vinehout, Harris, Miller, Risser, C. Larson and Lassa (**LRB a2255**)

04-01. S. Senate Amendment 1 to Assembly Amendment 1 withdrawn and returned to author

04-01. S. Assembly Amendment 1 **concurred in**, Ayes 26, Noes 7

04-01. S. Action ordered immediately messaged

✓  
SB

**2013**  
**ENROLLED BILL**

13en S B- 300

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**ADOPTED DOCUMENTS:**

Orig     Engr           SubAmdt       

13-0647/1 ✓

Amendments to above (if none, write "NONE"):

AA1 — a 2214/1 ✓

Corrections - show date (if none, write "NONE"):

None ✓

Topic

Rel ✓

4-2-14

Date

J. R. Miller

Enrolling Drafter



## 2013 SENATE BILL 300

September 13, 2013 - Introduced by Senators DARLING, L. TAYLOR, HARSDFORF, MOULTON, OLSEN, PETROWSKI, SCHULTZ, CARPENTER, ERPENBACH, HANSEN, LASSA, MILLER, RISSER, VINEHOUT and WIRCH, cosponsored by Representatives STRACHOTA, BARCA, JACQUE, TITTL, THIESFELDT, LOUDENBECK, STONE, KERKMAN, SCHRAA, BROOKS, T. LARSON, PRIDEMORE, TRANEL, A. OTT, RIPP, BALLWEG, BERNIER, BIES, KAUFERT, KNODL, ZAMARRIPA, HULSEY, OHNSTAD, JOHNSON, BERCEAU, KOLSTE, MASON, SINICKI, VRUWINK, BEWLEY, PASCH, RICHARDS, GOYKE, RIEMER, HESSELBEIN, SMITH, DANOU, HEBL, YOUNG, ZEPNICK and KAHL. Referred to Committee on Insurance and Housing.

1 AN ACT *to amend* 40.51 (8), 40.51 (8m), 66.0137 (4), 120.13 (2) (g) and 185.983  
2 (1) (intro.); and *to create* 609.837 and 632.867 of the statutes; **relating to:**  
3 copayments, deductibles, or coinsurance for oral chemotherapy and injected or  
4 intravenous chemotherapy.

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### *Analysis by the Legislative Reference Bureau*

This bill prohibits health insurance policies, and self-insured governmental and school district health plans, that cover injected or intravenous and oral chemotherapy from requiring the insured to pay a higher copayment, deductible, or coinsurance for oral chemotherapy than is required for injected or intravenous chemotherapy, regardless of the formulation or benefit category determination by the policy or plan. A health insurance policy or self-insured governmental or school district health plan may not comply with that prohibition by increasing the copayment, deductible, or coinsurance for intravenous or injected chemotherapy that is covered under the policy or plan.

The requirements of the bill apply to individual and group health insurance policies, including limited service health organizations, preferred provider plans, defined network plans, and cooperative associations' health care plans; to health care plans, including a self-insured plan, offered by the state to its employees; and to self-insured health plans of a city, town, village, county, or school district.

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For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

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*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

1           **SECTION 1.** 40.51 (8) of the statutes is amended to read:

2           40.51 (8) Every health care coverage plan offered by the state under sub. (6)  
3 shall comply with ss. 631.89, 631.90, 631.93 (2), 631.95, 632.72 (2), 632.746 (1) to (8)  
4 and (10), 632.747, 632.748, 632.798, 632.83, 632.835, 632.85, 632.853, 632.855,  
5 632.867, 632.87 (3) to (6), 632.885, 632.89, 632.895 (5m) and (8) to (17), and 632.896.

6           **SECTION 2.** 40.51 (8m) of the statutes is amended to read:

7           40.51 (8m) Every health care coverage plan offered by the group insurance  
8 board under sub. (7) shall comply with ss. 631.95, 632.746 (1) to (8) and (10), 632.747,  
9 632.748, 632.798, 632.83, 632.835, 632.85, 632.853, 632.855, 632.867, 632.885,  
10 632.89, and 632.895 (11) to (17).

11           **SECTION 3.** 66.0137 (4) of the statutes is amended to read:

12           66.0137 (4) SELF-INSURED HEALTH PLANS. If a city, including a 1st class city, or  
13 a village provides health care benefits under its home rule power, or if a town  
14 provides health care benefits, to its officers and employees on a self-insured basis,  
15 the self-insured plan shall comply with ss. 49.493 (3) (d), 631.89, 631.90, 631.93 (2),  
16 632.746 (10) (a) 2. and (b) 2., 632.747 (3), 632.798, 632.85, 632.853, 632.855, 632.867,  
17 632.87 (4), (5), and (6), 632.885, 632.89, 632.895 (9) to (17), 632.896, and 767.513 (4).

18           **SECTION 4.** 120.13 (2) (g) of the statutes is amended to read:

19           120.13 (2) (g) Every self-insured plan under par. (b) shall comply with ss.  
20 49.493 (3) (d), 631.89, 631.90, 631.93 (2), 632.746 (10) (a) 2. and (b) 2., 632.747 (3),

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1 632.798, 632.85, 632.853, 632.855, 632.867, 632.87 (4), (5), and (6), 632.885, 632.89,  
2 632.895 (9) to (17), 632.896, and 767.513 (4).

3 **SECTION 5.** 185.983 (1) (intro.) of the statutes is amended to read:

4 185.983 (1) (intro.) Every voluntary nonprofit health care plan operated by a  
5 cooperative association organized under s. 185.981 shall be exempt from chs. 600 to  
6 646, with the exception of ss. 601.04, 601.13, 601.31, 601.41, 601.42, 601.43, 601.44,  
7 601.45, 611.26, 611.67, 619.04, 623.11, 623.12, 628.34 (10), 631.17, 631.89, 631.93,  
8 631.95, 632.72 (2), 632.745 to 632.749, 632.775, 632.79, 632.795, 632.798, 632.85,  
9 632.853, 632.855, 632.867, 632.87 (2), (2m), (3), (4), (5), and (6), 632.885, 632.89,  
10 632.895 (5) and (8) to (17), 632.896, and 632.897 (10) and chs. 609, 620, 630, 635, 645,  
11 and 646, but the sponsoring association shall:

12 **SECTION 6.** 609.837 of the statutes is created to read:

13 **609.837 Copayment equality for oral and injected chemotherapy.**  
14 Limited service health organizations, preferred provider plans, and defined network  
15 plans are subject to s. 632.867.

16 **SECTION 7.** 632.867 of the statutes is created to read:

17 **632.867 Oral and injected chemotherapy. (1) DEFINITIONS.** In this section:

18 (a) "Chemotherapy" means drugs and biologics that kill cancer cells directly,  
19 including antineoplastics, biologic response modifiers, hormone therapy, and  
20 monoclonal antibodies, and that are used to do any of the following:

- 21 1. Cure a specific cancer.
- 22 2. Control tumor growth when cure is not possible.
- 23 3. Shrink tumors before surgery or radiation therapy.
- 24 4. Destroy microscopic cancer cells that may be present after a tumor is  
25 removed by surgery to prevent a cancer recurrence.

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**SECTION 7**

1 (b) "Disability insurance policy" has the meaning given in s. 632.895 (1) (a). ✓

2 (c) "Self-insured health plan" has the meaning given in s. 632.85 (1) (c).

3 (2) COPAYMENT, DEDUCTIBLE, OR COINSURANCE REQUIREMENTS; LIMITATIONS. (a) A

INS.  
AAI-1 ✓

4 disability insurance policy that covers injected or intravenous chemotherapy and  
5 oral chemotherapy, or a self-insured health plan that covers injected or intravenous  
6 chemotherapy and oral chemotherapy, may not require a higher copayment,  
7 deductible, or coinsurance amount for oral chemotherapy than it requires for  
8 injected or intravenous chemotherapy, regardless of the formulation or benefit  
9 category determination by the policy or plan.

INS. AAI-2 ✓

10 (b) A disability insurance policy or a self-insured health plan may not comply  
11 with par. (a) by increasing the copayment, deductible, or coinsurance amount  
12 required for injected or intravenous chemotherapy that is covered under the policy  
13 or plan.

INS. AAI-3 ✓

**SECTION 8. Initial applicability.**

15 (1) This act first applies to all of the following:

16 (a) Except as provided in paragraphs (b) and (c), disability insurance policies  
17 that are issued or renewed, and governmental or school district self-insured health  
18 plans that are established, extended, modified, or renewed, on the effective date of  
19 this paragraph.

20 (b) Disability insurance policies covering employees who are affected by a  
21 collective bargaining agreement containing provisions inconsistent with this act  
22 that are issued or renewed on the earlier of the following:

- 23 1. The day on which the collective bargaining agreement expires.
- 24 2. The day on which the collective bargaining agreement is extended, modified,
- 25 or renewed.

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1 (c) Governmental or school district self-insured health plans covering  
2 employees who are affected by a collective bargaining agreement containing  
3 provisions inconsistent with this act that are established, extended, modified, or  
4 renewed on the earlier of the following:

- 5 1. The day on which the collective bargaining agreement expires.
- 6 2. The day on which the collective bargaining agreement is extended, modified,
- 7 or renewed.

8 **SECTION 9. Effective dates.** This act takes effect on the day after publication,  
9 except as follows:

10 (1) The treatment of section 632.867 (2) (a) of the statutes takes effect on the  
11 first day of the 7th month beginning after publication.

12 (END)

INS. AA1-4

✓



**ASSEMBLY AMENDMENT 1,  
TO SENATE BILL 300**

March 20, 2014 - Offered by Representative STRACHOTA.

1 At the locations indicated, amend the bill as follows:

2 ✓ **1.** Page 4, line 3: delete "(a) A" and substitute "(a) Except as provided in par.  
3 (am), a".

AA1-1

4 ✓ **2.** Page 4, line 9: after that line insert:

AA1-2

5 "(am) A disability insurance policy or self-insured health plan that limits  
6 copayments paid by a covered individual to no more than \$100 for a 30-day supply  
7 of oral chemotherapy medication is considered to comply with this section. On  
8 January 1, 2016, and on each January 1 annually thereafter, a disability insurance  
9 policy or self-insured health plan may adjust the \$100 limit under this paragraph  
10 by an amount that does not exceed the percentage increase in the U.S. consumer  
11 price index for all urban consumers, U.S. city average, as determined by the U.S.  
12 department of labor."

13 ✓ **3.** Page 4, line 13: after that line insert:

AA1-3

1 (c) Notwithstanding par. (a), for a disability insurance policy, or self-insured  
2 health plan, that is a high deductible health plan, as defined in 26 USC 223 (c) (2),  
3 par. (a) applies only after the plan enrollee's deductible has been satisfied for the  
4 year."

5 ✓ 4. Page 5, line 10: delete the material beginning with "takes" and ending with  
6 "publication" on line 11 and substitute "and SECTION 8 of this act take effect on  
7 January 1, 2015".

AA1-4

8 (END)