

HOUSE BILL 1087

J5, J4

5lr3160
CF SB 921

By: Delegates Bhandari and Woods, Woods, Alston, Bagnall, Chisholm, Cullison, Guzzone, Hill, Hutchinson, S. Johnson, Kaiser, Kerr, Kipke, Lopez, Martinez, M. Morgan, Pena-Melnyk, Reilly, Rosenberg, Ross, Szeliga, Taveras, White Holland, and Woorman

Introduced and read first time: February 5, 2025
Assigned to: Health and Government Operations

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 6, 2025

CHAPTER _____

1 AN ACT concerning

2 **Health Insurance – Step Therapy or Fail-First Protocols – Drugs to Treat**
3 **Associated Conditions of Advanced Metastatic Cancer**

4 FOR the purpose of prohibiting certain insurers, nonprofit health service plans, and health
5 maintenance organizations from imposing a step therapy or fail-first protocol on
6 certain prescription drugs ~~used~~ prescribed by a treating physician to treat a
7 symptom of or a side effect from treatment of certain metastatic cancer under certain
8 circumstances; and generally relating to step therapy and fail-first protocols and
9 health insurance.

10 BY repealing and reenacting, without amendments,
11 Article – Insurance
12 Section 15-142(a)(1) and (4) and (b)
13 Annotated Code of Maryland
14 (2017 Replacement Volume and 2024 Supplement)

15 BY repealing and reenacting, with amendments,
16 Article – Insurance
17 Section 15-142(e)
18 Annotated Code of Maryland
19 (2017 Replacement Volume and 2024 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
2 That the Laws of Maryland read as follows:

3 **Article – Insurance**

4 15–142.

5 (a) (1) In this section the following words have the meanings indicated.

6 (4) (i) “Step therapy or fail–first protocol” means a protocol established
7 by an insurer, a nonprofit health service plan, or a health maintenance organization that
8 requires a prescription drug or sequence of prescription drugs to be used by an insured or
9 an enrollee before a prescription drug ordered by a prescriber for the insured or the enrollee
10 is covered.

11 (ii) “Step therapy or fail–first protocol” includes a protocol that
12 meets the definition under subparagraph (i) of this paragraph regardless of the name, label,
13 or terminology used by the insurer, nonprofit health service plan, or health maintenance
14 organization to identify the protocol.

15 (b) (1) This section applies to:

16 (i) insurers and nonprofit health service plans that provide hospital,
17 medical, or surgical benefits to individuals or groups on an expense–incurred basis under
18 health insurance policies or contracts that are issued or delivered in the State; and

19 (ii) health maintenance organizations that provide hospital,
20 medical, or surgical benefits to individuals or groups under contracts that are issued or
21 delivered in the State.

22 (2) An insurer, a nonprofit health service plan, or a health maintenance
23 organization that provides coverage for prescription drugs through a pharmacy benefits
24 manager is subject to the requirements of this section.

25 (e) An entity subject to this section may not impose a step therapy or fail–first
26 protocol on an insured or an enrollee for a prescription drug approved by the U.S. Food and
27 Drug Administration if:

28 (1) **(I)** the prescription drug is used to treat the insured’s or enrollee’s
29 stage four advanced metastatic cancer; and

30 **[(2)] (II)** use of the prescription drug is:

31 **[(i)] 1.** consistent with the U.S. Food and Drug
32 Administration–approved indication or the National Comprehensive Cancer Network
33 Drugs & Biologics Compendium indication for the treatment of stage four advanced
34 metastatic cancer; and

1 [(ii)] 2. supported by peer-reviewed medical literature; OR

2 (2) (I) THE PRESCRIPTION DRUG IS ~~USED~~ PRESCRIBED BY A
3 TREATING PHYSICIAN TO TREAT A SYMPTOM OF OR A SIDE EFFECT FROM
4 TREATMENT OF THE INSURED’S OR ENROLLEE’S STAGE FOUR ADVANCED
5 METASTATIC CANCER ~~THAT THE TREATING PROVIDER DETERMINES WILL~~
6 ~~NEGATIVELY IMPACT THE INSURED’S OR ENROLLEE’S HEALTH IF LEFT UNTREATED;~~
7 ~~AND~~

8 (II) USE OF THE PRESCRIPTION DRUG IS:

9 1. CONSISTENT WITH BEST PRACTICES FOR THE
10 TREATMENT OF STAGE FOUR ADVANCED METASTATIC CANCER, A CONDITION
11 ASSOCIATED WITH STAGE FOUR ADVANCED METASTATIC CANCER, OR A SIDE EFFECT
12 ASSOCIATED WITH STAGE FOUR ADVANCED METASTATIC CANCER TREATMENT; AND

13 2. SUPPORTED BY PEER-REVIEWED MEDICAL
14 LITERATURE; AND

15 (III) THE PRESCRIPTION DRUG IS COVERED UNDER THE TERMS
16 OF THE POLICY OR CONTRACT OF THE INSURED OR ENROLLEE.

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to all
18 policies, contracts, and health benefit plans issued, delivered, or renewed in the State on or
19 after January 1, 2026.

20 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
21 January 1, 2026.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.