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To cite this article: Jamie Young (1994) Virginia Scores Success with New Off-Label Drug Law, *Oncology Issues*, 9:3, 4-4, DOI: [10.1080/10463356.1994.11904467](https://doi.org/10.1080/10463356.1994.11904467)

To link to this article: <https://doi.org/10.1080/10463356.1994.11904467>



Published online: 18 Oct 2017.



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Virginia Scores Success With New Off-Label Drug Law

by Jamie Young

As Congress gears up for the nitty gritty of health care reform, the ACCC off-label drug legislation is proceeding quickly through several state legislatures. Many of the states have completed their work for the year or have nearly done so. One is Virginia, where on April 6 Governor George Allen signed into law Senate Bill 403, sponsored by State Senator Clancy Holland. This legislation, which takes effect on July 1, 1994, applies only to the treatment of cancer and relies on the three compendia for reimbursement. An earlier reference to including the peer-reviewed medical literature was dropped during committee action in the Senate. Still, Dr. Robert Burger, president of the Virginia Association of Hematologists and Oncologists, is pleased with the passage of the law. The Virginia Breast Cancer Foundation was also active in advocating this bill.



MONTGOMERY

Senate Bill 582 was introduced by State Senator Larry Dixon at the request of the ACCC, the Alabama Society of Clinical Oncology, and The Oncology Providers Network of Alabama, an ACCC state chapter. The bill applies to all off-label uses of FDA-approved drugs that are supported in the three compendia or the medical literature.



PHOENIX

Senate Bill 1329 could not overcome the opposition of many members of the managed care segment of the insurance industry and was not scheduled for a vote by the full Senate. A main stumbling block turned out to be a perceived prob-

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lem by insurers with liability that could result from being required to cover off-label uses of cancer drugs. The ACCC will continue to work with The Arizona Clinical Oncology Society (TACOS), an ACCC state chapter; the Arizona Division of the American Cancer Society; and State Senator Ann Day, to bring the bill back to the legislature next year.



HARTFORD

On March 1, the Joint Committee on Public Health heard testimony in support of Raised Bill No. 249 from Jamie Young, ACCC director of public policy, and Dr. David Fischer, Yale University School of Medicine. The bill was unanimously approved by the committee on March 11. On April 13, the Joint Insurance Committee also approved the bill unanimously. As a result of the overwhelming support for the legislation, it was approved by both chambers and is awaiting the governor's signature. The bill relies on the three compendia but does not have any provision for coverage based on studies or articles in peer-reviewed medical literature.



TALLAHASSEE

House Bill 1929, sponsored by Representative Debby P. Sanders, passed the Florida House of Representatives in late March. It is currently pending before the Senate Commerce Committee, where, if viewed favorably by the committee, it will be merged into another pending health care bill.



ANNAPOLIS

On the final night of the Maryland House session, House Bill 1222, by Delegate Salima Siler Marriott, was approved by the legislature and sent to Governor William

Donald Schaefer for his signature. The companion bill, Senate Bill 754, sponsored by State Senator Patricia Sher, did not make it through prior to adjournment. However, both bills apply to all drugs and all off-label uses supported by the three compendia or the medical literature. A medical expert panel is also included to assist with resolving disputes that may arise once the bill takes effect.



COLUMBUS

In mid-March Senate Bill 157 was approved by the Ohio House of Representatives by a 97-0 margin. Following Senate concurrence on House amendments, the bill was forwarded to Governor George Voinovich for his signature. It is anticipated that he will support and sign the legislation.



PROVIDENCE

State Representative Nancy Benoit has sponsored House Bill 8144. The bill was unanimously approved by the House Health, Education, and Welfare Committee, which Benoit chairs, on March 3, and by a 88-1 vote of the full House a week later. The bill has been assigned to the Senate Health, Education, and Welfare Committee for further deliberation. The ACCC is continuing to work with the state division of the American Cancer Society and The Society of Rhode Island Clinical Oncologists, headed by Dr. Joseph DiBenedetto, Jr. The society recently became an ACCC state chapter.



MINNEAPOLIS

Legislation expected to be filed this year never got off the ground due to the heavy workload of the sponsor and the climate for this and other health care legislation in the Minnesota Legislature. ■