

1 AN ACT concerning insurance.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Illinois Insurance Code is amended by adding  
5 Section 364.01 as follows:

6 (215 ILCS 5/364.01 new)

7 Sec. 364.01. Qualified cancer trials.

8 (a) No individual or group policy of accident and health  
9 insurance issued or renewed in this State on or after the  
10 effective date of this amendatory Act of the 93rd General  
11 Assembly may be cancelled or non-renewed for any individual  
12 based on that individual's participation in a qualified cancer  
13 trial.

14 (b) Qualified cancer trials must meet the following  
15 criteria:

16 (1) the effectiveness of the treatment has not been  
17 determined relative to established therapies;

18 (2) the trial is under clinical investigation as part  
19 of an approved cancer research trial in Phase II, Phase  
20 III, or Phase IV of investigation;

21 (3) the trial is approved by the U.S. Secretary of  
22 Health and Human Services, the Director of the National  
23 Institutes of Health, the Commissioner of the Food and Drug  
24 Administration (through an investigational new drug  
25 exemption under Section 505(l) of the federal Food, Drug,  
26 and Cosmetic Act or an investigational device exemption  
27 under Section 520(q) of that Act), or a qualified  
28 nongovernmental cancer research entity as defined in  
29 guidelines of the National Institutes of Health or a peer  
30 reviewed and approved cancer research program, as defined  
31 by the U.S. Secretary of Health and Human Services,  
32 conducted for the primary purpose of determining whether or

1 not a cancer treatment is safe or efficacious or has any  
2 other characteristic of a cancer treatment that must be  
3 demonstrated in order for the cancer treatment to be  
4 medically necessary or appropriate;

5 (4) the trial is being conducted at multiple sites  
6 throughout the State;

7 (5) the patient's primary care physician, if any, is  
8 involved in the coordination of care; and

9 (6) the results of the investigational trial will be  
10 submitted for publication in peer-reviewed scientific  
11 studies, research, or literature published in or accepted  
12 for publication by medical journals that meet nationally  
13 recognized requirements for scientific manuscripts and  
14 that submit most of their published articles for review by  
15 experts who are not part of the editorial staff. These  
16 studies may include those conducted by or under the  
17 auspices of the federal government's Agency for Health Care  
18 Policy and Research, National Institutes of Health,  
19 National Cancer Institute, National Academy of Sciences,  
20 Health Care Financing Administration, and any national  
21 board recognized by the National Institutes of Health for  
22 the purpose of evaluating the medical value of health  
23 services.