MISSISSIPPI INSURANCE DEPARTMENT

**MIKE CHANEY**
Commissioner of Insurance
State Fire Marshal

**DAVID BROWNING**
Deputy Commissioner of Insurance

501 N. WEST STREET, SUITE 1001
WOOLFOLK BUILDING
JACKSON, MISSISSIPPI 39201
www.mid.ms.gov

MAILING ADDRESS
Post Office Box 79
Jackson, Mississippi 39205-0079
TELEPHONE: (601) 359-3569
FAX: (601) 359-2474
WATS: 1-800-562-2957 (Incoming-USA)

# MISSISSIPPI DEPARTMENT OF INSURANCE BULLETIN 2026-7

## STEP THERAPY PROHIBITION FOR STAGE FOUR METASTATIC CANCER
**May 21, 2026**

### I. Scope and Legislative Action.

This Bulletin is issued to any insurer as defined in *Miss. Code Ann.* § 83-9-36(3)(a) [1].

During the 2024 Regular Legislative Session, the Legislature passed House Bill 1143, which provided that all health benefit plans that directly or indirectly cover the treatment of stage four advanced, metastatic cancer and any associated conditions were prohibited from utilizing step therapy or fail first protocol for the treatment of stage four advanced metastatic cancer. The provisions of HB 1143 are codified in *Miss. Code Ann.* §§ 83-9-8.1 and 83-9-36.

House Bill 1143 included a two year repealer and *Miss. Code Ann.* §§ 83-9-8.1 and 83-9-36 were set for repeal on June 30, 2026, However, during the 2026 Regular Legislative Session, the Legislature passed House Bill 856 which completely removed the repealer.

As a result of the recent legislative action, the Mississippi Insurance Department (MID) issues this Bulletin to remind health plans of their obligation to comply with applicable Mississippi law.

### II. Step Therapy Prohibition.

*Miss. Code Ann.* §§ 83-9-8.1 and 83-9-36 prohibit any health benefit plan[2] from utilizing step therapy or fail first protocol for the treatment of stage four advanced, metastatic cancer.[3]

While health plans may ensure that the use of a drug is consistent with best practices for the treatment of stage four advanced, metastatic cancer and is supported by peer-reviewed medical literature, a health benefit plan that directly or indirectly covers the treatment of stage four advanced, metastatic cancer may not limit or exclude coverage for an FDA-approved drug.

[1] *Miss. Code Ann.* §83-9-36(3)(a) "Insurer" means any hospital, health, or medical expense insurance policy, hospital or medical service contract, employee welfare benefit plan, contract or agreement with a health maintenance organization or a preferred provider organization, health and accident insurance policy, or any other insurance contract of this type, including a group insurance plan. However, the term "insurer" does not include a preferred provider organization that is only a network of providers and does not define health care benefits for the purpose of coverage under a health care benefits plan.

[2] *Miss Code Ann.* §83-9-8.1(1)(c) "Health benefit plan" means a policy, contract, certificate or agreement entered into, offered by or issued by an insurer to provide, deliver, arrange for, pay for or reimburse any of the costs of health care services.

[3] *Miss. Code Ann.* §83-9-8.1(1)(b) "Advanced, metastatic cancer" means cancer that has spread from the primary or original site of the cancer to nearby tissues, lymph nodes, or other areas or parts of the body.

Additionally, a health benefit plan may not require that a patient fail to successfully respond to a different drug or demonstrate a history of failure of such drug or drugs prior to authorizing treatment or covering such drug.

A health benefit plan shall not require a patient with stage four advanced, metastatic cancer to try another prescription drug or demonstrate past failure with another prescription drug, either explicitly through the terms of its coverage criteria or indirectly through the use of prior authorization, before coverage is approved for a prescription drug approved for this condition or where use of the drug for the condition is supported by best practices and peer-reviewed medical literature.

**III. Violations.**

Any health benefit plan that fails to comply with the provisions contained within this Bulletin and *Miss. Code Ann.* §§ 83-9-8.1 and 83-9-36 shall be subject to the penalty provisions set forth in *Miss. Code Ann.* § 83-5-17.

**IV. Effective Date.**

The provisions contained within this Bulletin are effective as of this date.

Any health insurance carrier that has questions regarding the provisions contained within this Bulletin may contact the Life and Health Actuarial Division at 601-359-3657.

Mike Chaney

**MIKE CHANEY**
**COMMISSIONER OF INSURANCE**