

# SENATE COMMERCE COMMITTEE

## STATEMENT TO

### SENATE, No. 3098

with committee amendments

# STATE OF NEW JERSEY

DATED: DECEMBER 12, 2024

The Senate Commerce Committee reports favorably and with committee amendments Senate Bill No. 3098.

As amended, this bill requires health insurers to cover biomarker testing. Under the bill, health insurance carriers (including health service corporations, hospital service corporations, medical service corporations, commercial individual and group health insurers, health maintenance organizations, entities contracted to administer health benefits in connection with the State Health Benefits Program and School Employees' Health Benefits Program, and Medicaid) are to cover testing for the purposes of diagnosis, treatment, appropriate management, or ongoing monitoring of an individual's disease or condition when the test is supported by medical and scientific evidence. The evidence includes, but is not limited to: (1) labeled indications for an FDA-approved or -cleared test; (2) indicated tests for an FDA-approved drug; (3) warnings and precautions on FDA-approved drug labels; (4) Centers for Medicare and Medicaid Services National Coverage Determinations or Medicare Administrative Contractor Local Coverage Determinations; or (5) nationally recognized clinical practice guidelines and consensus statements. Coverage is to be provided in a manner that limits disruption, including multiple biopsies or biospecimen samples, in the care of an individual.

The bill also stipulates that utilization review decisions concerning coverage provided under the bill are to be made in accordance with guidelines and timeframes already present in current law.

As amended and reported by the committee, Senate Bill No. 3098 is identical to Assembly Bill No. 4163 (1R).

#### COMMITTEE AMENDMENTS

The committee amended the bill to:

(1) require carriers to provide biomarker testing to covered persons pursuant to guidelines and timeframes set forth in the "Ensuring Transparency in Prior Authorization Act," if utilization review is required;

(2) remove the definition of "consensus statement;" and

(3) make a technical correction.