

119TH CONGRESS
1ST SESSION

S. 755

To facilitate the development of treatments for cancers, and for other purposes.

IN THE SENATE OF THE UNITED STATES

FEBRUARY 26, 2025

Mr. WICKER (for himself and Ms. KLOBUCHAR) introduced the following bill;
which was read twice and referred to the Committee on Finance

A BILL

To facilitate the development of treatments for cancers, and
for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Finn Sawyer Access
5 to Cancer Testing Act”.

6 **SEC. 2. COVERAGE OF CANCER DIAGNOSTIC AND LABORA-**
7 **TORY TESTS.**

8 (a) MEDICARE.—

9 (1) COVERAGE.—Section 1861 of the Social Se-
10 curity Act (42 U.S.C. 1395x) is amended—

1 (A) in subsection (s)(2)—

2 (i) in subparagraph (JJ), by adding

3 “and” at the end; and

4 (ii) by adding at the end the following

5 new subparagraph:

6 “(KK) cancer diagnostic and laboratory tests

7 (as defined in subsection (nnn)) furnished on or

8 after the date that is 6 months after the date of the

9 enactment of this subparagraph.”; and

10 (B) by adding at the end the following new

11 subsection:

12 “(nnn) CANCER DIAGNOSTIC AND LABORATORY

13 TESTS.—

14 “(1) IN GENERAL.—The term ‘cancer diag-

15 nostic and laboratory tests’ means—

16 “(A) microarray analysis, DNA sequenc-

17 ing, RNA sequencing, whole-exome sequencing,

18 and other forms of next-generation sequencing

19 furnished and reported by a clinical laboratory

20 (as defined in section 353(a) of the Public

21 Health Service Act); and

22 “(B) explanation and interpretation of any

23 analysis or sequencing described in subpara-

24 graph (A);

25 furnished to an individual diagnosed with cancer.

“(2) FREQUENCY.—When an individual test as described in paragraph (1) reports out the same genetic content, it may only be furnished with respect to an individual diagnosed with a cancer—

“(A) once upon the diagnosis of such cancer;

“(B) once upon any recurrence of such cancer; and

“(C) as necessary for purposes of planning treatment or monitoring the progression of such cancer or the response of such cancer to treatment.”.

(2) PAYMENT.—Section 1833 of the Social Security Act (42 U.S.C. 1395l) is amended—

(A) in subsection (a)(1)—

(i) by striking “and” before “(HH)”;

and

(ii) by inserting the following before the semicolon: “, and (II) with respect to cancer diagnostic and laboratory tests (as defined in section 1861(nnn)), the amount paid shall be an amount equal to 80 percent (or 100 percent, in the case of such tests for which payment is made on an assignment-related basis) of the lesser of the

actual charge for the test or the amount that would have been determined for such test under section 1834A had such test been a clinical diagnostic laboratory test;” and

(B) in subsection (b)—

(i) by striking “, and (13)” and inserting “(13)”; and

(ii) by striking “1861(n).” and inserting “section 1861(n), and (14) such deductible shall not apply with respect to cancer diagnostic and laboratory tests (as defined in section 1861(nnn))”.

(3) EXCLUSION MODIFICATION.—Section 1862(a)(1) of the Social Security Act (42 U.S.C. 1395y(a)(1)) is amended—

(A) in subparagraph (O), by striking “and” at the end;

(B) in subparagraph (P), by striking the semicolon and inserting “, and”; and

(C) by adding at the end the following new subparagraph:

“(Q) in the case of cancer diagnostic and laboratory tests (as defined in section 1861(nnn)),

1 which are performed more frequently than is covered
 2 under such section;”.

3 (b) MEDICAID.—

4 (1) INCLUSION AS MEDICAL ASSISTANCE.—Sec-
 5 tion 1905(a) of the Social Security Act (42 U.S.C.
 6 1396d(a)) is amended—

7 (A) in paragraph (31), by striking “and”
 8 at the end;

9 (B) by redesignating paragraph (32) as
 10 paragraph (33); and

11 (C) by inserting after paragraph (31) the
 12 following new paragraph:

13 “(32) cancer diagnostic and laboratory tests (as
 14 defined in section 1861(nnn)); and”.

15 (2) MANDATORY COVERAGE.—Section
 16 1902(a)(10)(A) of such Act is amended, in the mat-
 17 ter preceding clause (i), by striking “and (30)” and
 18 inserting “(30), and (32)”.

19 (3) INCLUSION IN BENCHMARK COVERAGE.—
 20 Section 1937(b)(5) of such Act is amended by in-
 21 serting before the period at the end the following: “,
 22 and beginning January 1, 2027, coverage of cancer
 23 diagnostic and laboratory tests (as defined in section
 24 1861(nnn))”.

25 (4) EFFECTIVE DATE.—

1 (A) IN GENERAL.—The amendments made
2 by this section shall apply with respect to items
3 and services furnished on or after January 1,
4 2027.

5 (B) EXEMPTION FOR STATE LEGISLA-
6 TION.—In the case of a State plan under title
7 XIX of the Social Security Act (42 U.S.C. 1396
8 et seq.), or waiver of such plan, that the Sec-
9 retary of Health and Human Services deter-
10 mines requires State legislation in order for the
11 respective plan to meet any requirement im-
12 posed by amendments made by this section, the
13 respective plan shall not be regarded as failing
14 to comply with the requirements of such title
15 solely on the basis of its failure to meet such
16 an additional requirement before the first day
17 of the first calendar quarter beginning after the
18 close of the first regular session of the State
19 legislature that begins after the date of the en-
20 actment of this Act. For purposes of the pre-
21 vious sentence, in the case of a State that has
22 a 2-year legislative session, each year of the ses-
23 sion shall be considered to be a separate regular
24 session of the State legislature.

1 (c) CHIP.—Section 2103(c) of the Social Security
 2 Act (42 U.S.C. 1397cc(c)) is amended by adding at the
 3 end the following new paragraph:

4 “(13) COVERAGE OF CANCER DIAGNOSTIC AND
 5 LABORATORY TESTS.—Regardless of the type of cov-
 6 erage elected by a State under subsection (a), begin-
 7 ning January 1, 2025 child health assistance pro-
 8 vided under such coverage for targeted low-income
 9 children and, in the case that the State elects to pro-
 10 vide pregnancy-related assistance under such cov-
 11 erage pursuant to section 2112, such pregnancy-re-
 12 lated assistance for targeted low-income pregnant
 13 women (as defined in section 2112(d)), shall include
 14 coverage of cancer diagnostic and laboratory tests
 15 (as defined in section 1861(nnn)).”.

16 **SEC. 3. EDUCATION AND AWARENESS PROGRAM ON**
 17 **GENOMIC TESTING.**

18 (a) IN GENERAL.—The Secretary of Health and
 19 Human Services, in coordination with the Director of the
 20 National Human Genome Research Institute, shall carry
 21 out an education and awareness program for physicians
 22 and the general public on what genomic testing is, how
 23 it can be used, and the role of genetic counselors.

24 (b) CANCER AND MOLECULAR DIAGNOSTICS.—The
 25 education and awareness program under subsection (a)

1 shall encourage the inclusion in graduate medical edu-
2 cation and continuing medical education (including for
3 specialty oncology services) of education and training on
4 the importance of molecular diagnostics at diagnosis and
5 reoccurrence of cancer to detect mutations.

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