



## Cancer Policy News from the Wisconsin Cancer Collaborative | Summer 2024

It has been an interesting year for cancer-related legislation at both the state and federal level. As is often the case, bills that did not pass or changes that were not made end up being a big part of the story.

### Wisconsin Legislative Update

The 2023-2024 Wisconsin legislative session wrapped up in early March, and state Senators and Representatives will not return for regular business until early 2025.



Over the past two years, more than 2,000 bills were introduced in the Legislature on a wide range of topics that would impact all aspects of our state government. The Governor signed more than 270 bills into law that were adopted in their original form, amended, or merged with other bills, while also vetoing several bills that were adopted by both chambers.

The bills that did not advance in either chamber are now listed as “failed to pass”, and cannot advance for the remainder of the year. If a bill failed to pass this session, legislators will need to reintroduce the legislation next session for the bill to be reviewed by the Senate and Assembly. To search for bills, visit the Legislature’s website at [legis.wisconsin.gov](https://legis.wisconsin.gov).

### New Laws in Wisconsin

#### Tanning Beds (Act 190)

Prior to enactment of this new law, a tanning facility could not offer their services to a minor under age 16, and was required to display a warning sign where a tanning device was used. Under the new law, 16



and 17-year-old minors are barred from using tanning devices unless there is a written authorization from a parent or guardian. The law also prohibits a facility from advertising or distributing promotional materials that claim a tanning device is safe or free from risk, or that a device will result in medical or health benefits.

Tanning facilities are also required to post signs inside that must be 11"x17" and include a telephone number for a customer to contact the state's Department of Safety and Professional Standards to report an injury.

### **Alcohol and Tobacco Regulation (Act 73)**

A new law enacted at the close of 2023 made significant changes to the regulation and enforcement of laws concerning alcohol and vapor products. The law will change the production, distribution, retail sales, and regulation of alcohol. It will also create a Division of Alcohol Beverages in the Department of Revenue, which will have police powers and rulemaking authority, and creates a statewide operator's permit instead of being required to have a permit from each municipality in which they operate.

The new law will also require retailers of electronic vaping devices to obtain an annual license from the municipality where they operate, and defines the devices as "a device that may be used to deliver any aerosolized or vaporized liquid or other substance for inhalation, regardless of whether the liquid or other substance contains nicotine." While the new law does address the previous lack of licensing requirements for e-cigarette retailers, it also pre-empts local licensing ordinances.

### **Oral Health Laws**

The Governor signed into law five bills adopted by the Legislature that are intended to address access to dental health services:

- **Licensure of Dental Therapists (Act 87)**

The new law is intended to address the dental professional shortage by creating a license for Dental Therapists to practice in Wisconsin.

- **Tech College Oral Health Program Funding (Act 89)**

The new law provides \$20 million in funding for an oral health care workforce program created in the 2023-2025 state biennial budget.

- **Dentist and Dental Health Compact (Act 88)**

Wisconsin will enter into the Dentist and Dental Hygienist Compact, which allows providers to practice in Wisconsin and other compact states.

- **Scholarships for Marquette University Dental Students (Act 90)**

Marquette dental students may receive an annual scholarship for up to four years if the student agrees to practice in a health shortage area for 18 months for each year of paid scholarship. The law also requires the Higher Education Aids Board to provide funding to the University for the development and operation of programs that support recruiting and training of rural dentistry students.

- **Dental Insurance Coverage (Act 91)**

Under the new law, individuals with dental insurance will be able to assign reimbursement for dental services directly to a dental provider. This removes the need for patients to cover the cost of care at the point of service, and wait for reimbursement from insurance.

## **Bills That Did Not Pass This Legislative Session**

### **All Co-pays Count (Assembly Bill 103 / Senate Bill 100)**

Legislation was introduced this session that required a health plan to count the payments of co-pay assistance programs for prescription drugs toward a patient's maximum out-of-pocket cost or annual deductible.



An out-of-pocket maximum is a limit set by the insurer on the amount that a patient pays for their medications or health care services. Once that limit is reached by a patient, the insurer covers the benefit entirely. The legislation applied to prescriptions if there was not a medically appropriate generic equivalent available. The legislation was later attached to another bill that would have regulated Pharmacy Benefit Managers (PBM), but ultimately did not pass into law.

#### **Tobacco and Cigar Bars (Assembly Bill 451 / Senate Bill 471)**

Currently in Wisconsin, the law permits a tobacco bar that was in business on June 3, 2009, to allow smoking of only cigars and pipes inside despite the ban on indoor smoking.

The bill introduced this last session would have exempted new tobacco bars from the indoor smoking ban. A tobacco bar is defined as a tavern that generates 15 percent or more of its annual gross income from the sale of cigars and pipe tobacco.

Advocates from the American Cancer Society Cancer Action Network, the American Lung Association, and the American Heart Association presented over 50 pieces of testimony on the legislation to the Senate Committee on Insurance and Small Business.

No legislation was introduced this session that would have increased Wisconsin's smoking age to 21 years to comply with federal law.

#### **Breast Cancer Screenings (Assembly Bill 117 / Senate Bill 121)**

Legislation was introduced this session that would have required health insurance, including Medicaid, to cover supplemental breast screening, or diagnostic breast cancer examinations for an individual who is at risk of breast cancer, or has heterogeneously or extremely dense breast tissue.

The bill required insurers to cover the cost of follow-up imaging due to an abnormal mammogram result, as well as supplemental breast screenings, or diagnostic breast examinations. Originally, the bill would have covered MRIs, ultrasound, and breast tomosynthesis procedures. However, the bill author amended the legislation to restrict the follow up screenings to ultrasound only. The Senate and Assembly bills were approved in their respective committees, but were not approved by either chamber.

#### **Palliative Care (Assembly Bill 736 / Senate Bill 703)**

A bill to create a Palliative Care Council within the Wisconsin Department of Health Services was introduced this session, but ultimately fell short of passage. The Council would have been comprised of medical and clinical professionals with expertise in palliative care services, as well as patients or family members who have experienced palliative care services. Members would have been tasked with studying palliative care, assessing the knowledge base in the state, understanding the needs of patients, and making recommendations for changes in existing state laws.

## **Changes in Sales of Tobacco and Alcohol**

In January, the Wisconsin Legislative Fiscal Bureau released its report on tax collections for the excise taxes on cigarettes, tobacco, vapor, liquor and wine, and beer. While it might not be a riveting report, it does reveal interesting trends in Wisconsin.

The taxes collected on the sales of cigarettes continue to drop from an actual annual amount of \$444 million at the close of June 2023, to an estimated annual amount of \$397 million by the end of June, 2025. However, taxes collected on sales of other tobacco products continue to climb from an annual actual amount of \$88 million, to a predicted annual amount of \$90 million by the end of June, 2025. Taxes from the annual sale of vapor products amounted to \$7.1 million at the close of June, 2023, and are predicted to continue their climb to \$8.8 million.



The tax revenue from the annual sales of liquor and wine is predicted to climb from \$69.4 million at the close of June, 2023, to \$74 million at the close of June, 2025. However, the tax collected from beer sales is predicted to decline by \$900,000 over the next two years.

### Fiscal Bureau Report on Tax Receipts Jan. 2024

### Fiscal Bureau Report on Excise Taxes Jan. 2023

## Federal Updates

### **Biden Administration Halts Menthol Ban**

The Biden Administration announced in late April that it was temporarily dropping its plan to ban the sale of menthol cigarettes.

The Food and Drug Administration proposed the rule in May 2022, but missed their set deadlines to begin the ban on sales.

In explaining the delay, HHS Secretary Xavier Becerra said in a statement that “[t]his rule has garnered historic attention, and the public comment period has yielded an immense amount of feedback, including from various elements of the civil rights and criminal justice movement.”

In 2009, Congress and the Obama administration banned flavored cigarettes, except for menthol products. The ban on menthol cigarettes was previously part of President Biden’s cancer moonshot initiative, as an effort to reduce the threat of cancer.



### **Health Insurance “Junk Plans” Restricted**

The Biden Administration finalized rules in late March that will limit the length of short-term limited-duration insurance plans to an initial three months, with the option to renew for one month. The new rule is scheduled to take effect on September 1.

The plans, which are not subject to regulations imposed on insurers under the Affordable Care Act, were originally designed for people in need of health insurance for a few months. In 2018, the federal government extended the time length to three years.



## FDA Mammogram Notification

Last year, the FDA released updates to the Mammography Quality Standards Act of 1992 that will require mammography centers to send individuals a notification about the density of their breast tissue after a mammogram.



The notification for those with non-dense breast tissue informs the patient that dense tissue makes it harder to find breast cancer on a mammogram, and raises the risk of developing breast cancer. It notifies those patients that their tissue is not dense. Regardless of their tissue density, they are advised to talk to their provider about their risks for breast cancer and their individual situation.

Those with dense breast tissue are informed that their tissue is dense, and that other imaging tests in addition to a mammogram may help find cancers.

Between 2009 and June 2021, 38 states have passed a law mandating notification of breast tissue density, however, the notification language varies from state to state, and the new rule is intended to make it consistent nationwide. Wisconsin's notification language requires that a person is informed if their breast tissue is identified as dense only.

The new requirements will start on September 10, 2024.

### 2024 Wisconsin Cancer Summit

Don't miss the 2024 Wisconsin Cancer Summit, September 25 & 26 in Waukesha.

Learn how storytelling can improve cancer health outcomes, empower patients and survivors, reduce provider burnout, and help us connect, transform, and heal.

[Learn more.](#)

### BUILDING CONNECTIONS

2024 Wisconsin Cancer Summit



### SAVE THE DATE

Wednesday | September 25  
Thursday | September 26  
Milwaukee Marriott West  
W231 N1600 Corporate Ct.  
Waukesha, WI 53186



Questions about our Policy Program? Email [Amy Johnson](#) to learn more.

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