HOUSE BILL NO. 1428

AN ACT TO REQUIRE INSURANCE POLICIES PLANS AND PROGRAMS TO OFFER COVERAGE FOR THE DISEASES OF OBESITY AND MORBID OBESITY; AND FOR RELATED PURPOSES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

SECTION 1. The Legislature finds and declares that obesity and morbid obesity are significant health problems for Mississippi citizens. The Mississippi Council on Obesity Prevention and Management has found that forty-one percent (41%) of Mississippi’s adults population and thirty percent (30%) of the adolescent population is overweight. The rate of increase is total obese population from 1991 to 2000 was higher in Mississippi than any other state. Obesity and morbid obesity are chronic diseases or conditions similar to other diseases or conditions that are multifactorial involving genetics physiology, metabolism and appetite regulation by the brain and thus are no different than other diseases or conditions and should be treated for purposes of insurance the same as any other body dysfunction.

SECTION 2. (1) All alternative delivery systems and all individual and group health insurance policies, plans or programs regulated by the State of Mississippi which do not currently offer benefits for treatment of obesity and morbid obesity shall offer covered benefits for the treatment of such disease states, except for policies which only provide coverage for specified diseases and other limited benefit insurance policies and negotiated labor contracts.

(2) Before an insured party may qualify to receive benefits under Section 83-9-44, a physician shall certify that the
individual is suffering from obesity or morbid obesity disease and refer the individual for appropriate treatment.

(3) For purposes of this section, "obesity" is defined in the following terms:

(a) "Mild" (twenty percent (20%) to forty percent (40%) overweight; body mass index calculated at twenty-seven (27) to thirty (30));

(b) "Moderate" (forty-one percent (41%) to one hundred percent (100%) overweight; body mass index thirty and one tenth (30.1) to thirty-five (35));

(c) "Clinically severe" or "morbid" obesity (greater than one hundred percent (100%) overweight; body mass index greater than thirty-five (35));

(d) "Body mass index" is defined as the relationship between weight and height used to assess health risk related to excess weight based on the mathematical formula that is expressed as weight in kilograms divided in height in meters squared (BMI=kg/m²); and

(e) "Treatment for obesity" means procedures consistent with established medical practices in the treatment of obesity by licensed physicians and surgeons, including, but not limited to, diagnosis, diagnostic tests, medication and surgery.

(4) All obesity and morbid obesity treatment or services with respect to such treatment eligible for health insurance coverage shall be subject to professional utilization and peer review procedures.

(5) Nothing in this section shall be construed to deny or restrict in any way any existing right or benefit to coverage and treatment of obesity under an existing law, plan or policy.

(6) Nothing in this section shall be construed to allow or enable any healthcare service plan contract or insurance policy to establish limits of liability of coverage for obesity, whether mild, moderate or clinically severe which prevents the policy...
holder form accessing medically necessary and appropriate
treatment for obesity.

(7) The exclusion period for coverage of a preexisting obese
or morbidly obese condition shall be the same period for time as
that for other medical illnesses covered under this same plan,
program or contract.

SECTION 3. This act shall take effect and be in force from
and after July 1, 2003.