

By: Representative Masterson

To: Insurance

HOUSE BILL NO. 1428

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

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

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

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

26 (2) Before an insured party may qualify to receive benefits  
27 under Section 83-9-44, a physician shall certify that the



28 individual is suffering from obesity or morbid obesity disease and  
29 refer the individual for appropriate treatment.

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

32 (a) "Mild" (twenty percent (20%) to forty percent  
33 (40%) overweight; body mass index calculated at twenty-seven (27)  
34 to thirty (30));

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

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

41 (d) "Body mass index" is defined as the  
42 relationship between weight and height used to assess health risk  
43 related to excess weight based on the mathematical formula that is  
44 expressed as weight in kilograms divided in height in meters  
45 squared ( $BMI = \text{kg}/\text{m}^2$ ); and

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

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

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

57 (6) Nothing in this section shall be construed to allow or  
58 enable any healthcare service plan contract or insurance policy to  
59 establish limits of liability of coverage for obesity, whether  
60 mild, moderate or clinically severe which prevents the policy



61 holder form accessing medically necessary and appropriate  
62 treatment for obesity.

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

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

