

By: Senator(s) Robertson

To: Insurance

SENATE BILL NO. 2596

1 AN ACT TO REQUIRE ALL ALTERNATIVE DELIVERY SYSTEMS AND ALL
2 HEALTH INSURANCE POLICIES REGULATED BY THE STATE OF MISSISSIPPI TO
3 OFFER COVERED BENEFITS FOR THE TREATMENT OF OBESITY AND MORBID
4 OBESITY; AND FOR RELATED PURPOSES.

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

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

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

27 (2) Before an insured party may qualify to receive benefits
28 under this section, a physician shall certify that the individual



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

31 (3) For purposes of this section, "obesity" shall be defined
32 in the following terms: (a) "mild" (twenty percent (20%) to forty
33 percent (40%) overweight; body mass index calculated at 27 to 30);
34 (b) "moderate" (forty-one percent (41%) to one hundred percent
35 (100%) overweight; body mass index 30.1 to 35); and (c)
36 "clinically severe" or "morbid" obesity (greater than one hundred
37 percent (100%) overweight; body mass index greater than 35).

38 "Body mass index" shall be defined as the relationship between
39 weight and height used to assess health risk related to excess
40 weight based on the mathematical formula that is expressed as
41 weight in kilograms divided in height in meters squared
42 ($BMI = kg/m^2$). "Treatment for obesity" means procedures consistent
43 with established medical practices in the treatment of obesity by
44 licensed physicians and surgeons, including, but not limited to,
45 diagnosis, diagnostic tests, medication and surgery.

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

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

53 (6) Nothing in this section shall be construed to allow or
54 enable any health care service plan contract or insurance policy
55 to establish limits of liability of coverage for obesity, whether
56 mild, moderate or clinically severe which prevents the
57 policyholder from accessing medically necessary and appropriate
58 treatment for obesity.

59 (7) The exclusion period for coverage of a preexisting obese
60 or morbidly obese condition shall be the same period of time as



61 that for other medical illnesses covered under the same plan,
62 program or contract.

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

