

**HOUSE . . . . . No. 1198**

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The Commonwealth of Massachusetts

PRESENTED BY:

*Jon Santiago*

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act to ensure access to the full range of treatment options for people with obesity.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Jon Santiago</i>	<i>9th Suffolk</i>	<i>2/11/2021</i>
<i>Paul McMurtry</i>	<i>11th Norfolk</i>	<i>2/26/2021</i>
<i>Jeffrey N. Roy</i>	<i>10th Norfolk</i>	<i>2/26/2021</i>
<i>James J. O'Day</i>	<i>14th Worcester</i>	<i>2/26/2021</i>

**HOUSE . . . . . No. 1198**

By Mr. Santiago of Boston, a petition (accompanied by bill, House, No. 1198) of Jon Santiago and others for legislation to ensure comprehensive coverage for treatment of obesity. Financial Services.

The Commonwealth of Massachusetts

In the One Hundred and Ninety-Second General Court  
(2021-2022)

An Act to ensure access to the full range of treatment options for people with obesity.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 SECTION 1. Chapter 32A of the General Laws is hereby amended by inserting after  
2 section 17Q, the following section:-

3 Section 17R. Any coverage offered by the commission to an active or retired employee of  
4 the commonwealth insured under the group insurance commission, shall require comprehensive  
5 coverage for treatment of obesity. The term “comprehensive coverage for treatment of obesity”  
6 includes coverage for prevention and wellness, nutrition counseling, intensive behavioral  
7 therapy, bariatric surgery, and FDA-approved anti-obesity medication. The term ‘FDA-  
8 approved anti-obesity medication’ refers to any medication approved by the US Food and Drug  
9 Administration with an indication for chronic weight management in patients with obesity.

10 Coverage criteria for FDA-approved anti-obesity medications provided under this section  
11 shall not be more restrictive than the FDA-approved indications for those treatments.

12 Coverage under this section shall be neither different nor separate from coverage for any  
13 other illness, condition, or disorder for purposes of determining deductibles, lifetime dollar  
14 limits, copayment and coinsurance factors, and benefit year maximum for deductibles and  
15 copayment and coinsurance factors.

16 Nothing shall preclude the undertaking of utilization management to determine the  
17 medical necessity for treatment of obesity under this section, provided that all such  
18 appropriateness and medical necessity determinations are made in the same manner as those  
19 determinations are made for the treatment of any other illness, condition, or disorder covered by  
20 such policy, contract, or plan.

21 The Commission shall provide notice to its policyholders regarding the coverage required  
22 by this section. The notice shall be in writing and prominently positioned in any literature or  
23 correspondence sent to policyholders and shall be transmitted to policyholders within calendar  
24 year when annual information is made available to policyholders, or in any other mailing to  
25 policyholders.

26 SECTION 2. Chapter 118E of the General Laws is hereby amended by inserting after  
27 section 10L, the following section:-

28 Section 10M. The division shall require comprehensive coverage for treatment of obesity.  
29 The term “comprehensive coverage for treatment of obesity” includes coverage for prevention  
30 and wellness, nutrition counseling, intensive behavioral therapy, bariatric surgery, and FDA-  
31 approved anti-obesity medication. The term ‘FDA-approved anti-obesity medication’ refers to  
32 any medication approved by the US Food and Drug Administration with an indication for  
33 chronic weight management in patients with obesity.

34 Coverage criteria for FDA-approved anti-obesity medications provided under this section  
35 shall not be more restrictive than the FDA-approved indications for those treatments.

36 Coverage under this section shall be neither different nor separate from coverage for any  
37 other illness, condition, or disorder for purposes of determining deductibles, lifetime dollar  
38 limits, copayment and coinsurance factors, and benefit year maximum for deductibles and  
39 copayment and coinsurance factors.

40 Nothing shall preclude the undertaking of utilization management to determine the  
41 medical necessity for treatment of obesity under this section, provided that all such  
42 appropriateness and medical necessity determinations are made in the same manner as those  
43 determinations are made for the treatment of any other illness, condition, or disorder covered by  
44 such policy, contract, or plan.

45 The division shall provide notice to its policyholders regarding the coverage required by  
46 this section. The notice shall be in writing and prominently positioned in any literature or  
47 correspondence sent to policyholders and shall be transmitted to policyholders within calendar  
48 year when annual information is made available to policyholders, or in any other mailing to  
49 policyholders.

50 SECTION 3. Chapter 175 of the General Laws is hereby amended by inserting after  
51 section 47KK, the following section:-

52 Section 47LL. The following shall require comprehensive coverage for treatment of  
53 obesity. The term “comprehensive coverage for treatment of obesity” includes coverage for  
54 prevention and wellness, nutrition counseling, intensive behavioral therapy, bariatric surgery,  
55 and FDA-approved anti-obesity medication. The term ‘FDA-approved anti-obesity medication’

56 refers to any medication approved by the US Food and Drug Administration with an indication  
57 for chronic weight management in patients with obesity.

58 Coverage criteria for FDA-approved anti-obesity medications provided under this section  
59 shall not be more restrictive than the FDA-approved indications for those treatments.

60 Coverage under this section shall be neither different nor separate from coverage for any  
61 other illness, condition, or disorder for purposes of determining deductibles, lifetime dollar  
62 limits, copayment and coinsurance factors, and benefit year maximum for deductibles and  
63 copayment and coinsurance factors.

64 Nothing shall preclude the undertaking of utilization management to determine the  
65 medical necessity for treatment of obesity under this section, provided that all such  
66 appropriateness and medical necessity determinations are made in the same manner as those  
67 determinations are made for the treatment of any other illness, condition, or disorder covered by  
68 such policy, contract, or plan.

69 The insurer shall provide notice to its policyholders regarding the coverage required by  
70 this section. The notice shall be in writing and prominently positioned in any literature or  
71 correspondence sent to policyholders and shall be transmitted to policyholders within calendar  
72 year when annual information is made available to policyholders, or in any other mailing to  
73 policyholders.

74 SECTION 4. Chapter 176A of the General Laws is hereby amended by inserting after  
75 section 8MM, the following section:-

76 Section 8NN. Any contract between a subscriber and the corporation under an individual  
77 or group hospital service plan which is delivered, issued or renewed within the commonwealth  
78 shall require comprehensive coverage for treatment of obesity. The term “comprehensive  
79 coverage for treatment of obesity” includes coverage for prevention and wellness, nutrition  
80 counseling, intensive behavioral therapy, bariatric surgery, and FDA-approved anti-obesity  
81 medication. The term ‘FDA-approved anti-obesity medication’ refers to any medication  
82 approved by the US Food and Drug Administration with an indication for chronic weight  
83 management in patients with obesity.

84 Coverage criteria for FDA-approved anti-obesity medications provided under this section  
85 shall not be more restrictive than the FDA-approved indications for those treatments.

86 Coverage under this section shall be neither different nor separate from coverage for any  
87 other illness, condition, or disorder for purposes of determining deductibles, lifetime dollar  
88 limits, copayment and coinsurance factors, and benefit year maximum for deductibles and  
89 copayment and coinsurance factors.

90 Nothing shall preclude the undertaking of utilization management to determine the  
91 medical necessity for treatment of obesity under this section, provided that all such  
92 appropriateness and medical necessity determinations are made in the same manner as those  
93 determinations are made for the treatment of any other illness, condition, or disorder covered by  
94 such policy, contract, or plan.

95 The Commission shall provide notice to its policyholders regarding the coverage required  
96 by this section. The notice shall be in writing and prominently positioned in any literature or  
97 correspondence sent to policyholders and shall be transmitted to policyholders within calendar

98 year when annual information is made available to policyholders, or in any other mailing to  
99 policyholders.

100 SECTION 5. Chapter 176B of the General Laws is hereby amended by inserting after  
101 section 4MM, the following section:-

102 Section 4NN. Any subscription certificate under an individual or group medical service  
103 agreement delivered, issued or renewed within the commonwealth shall shall require  
104 comprehensive coverage for treatment of obesity. The term “comprehensive coverage for  
105 treatment of obesity” includes coverage for prevention and wellness, nutrition counseling,  
106 intensive behavioral therapy, bariatric surgery, and FDA-approved anti-obesity medication. The  
107 term ‘FDA-approved anti-obesity medication’ refers to any medication approved by the US Food  
108 and Drug Administration with an indication for chronic weight management in patients with  
109 obesity.

110 Coverage criteria for FDA-approved anti-obesity medications provided under this section  
111 shall not be more restrictive than the FDA-approved indications for those treatments.

112 Coverage under this section shall be neither different nor separate from coverage for any  
113 other illness, condition, or disorder for purposes of determining deductibles, lifetime dollar  
114 limits, copayment and coinsurance factors, and benefit year maximum for deductibles and  
115 copayment and coinsurance factors.

116 Nothing shall preclude the undertaking of utilization management to determine the  
117 medical necessity for treatment of obesity under this section, provided that all such  
118 appropriateness and medical necessity determinations are made in the same manner as those

119 determinations are made for the treatment of any other illness, condition, or disorder covered by  
120 such policy, contract, or plan.

121 The insurer shall provide notice to its policyholders regarding the coverage required by  
122 this section. The notice shall be in writing and prominently positioned in any literature or  
123 correspondence sent to policyholders and shall be transmitted to policyholders within calendar  
124 year when annual information is made available to policyholders, or in any other mailing to  
125 policyholders.

126 SECTION 6. Chapter 176G of the General Laws is hereby amended by inserting after  
127 section 4EE, as so appearing, the following section:-

128 Section 4FF. Any individual or group health maintenance contract shall require  
129 comprehensive coverage for treatment of obesity. The term “comprehensive coverage for  
130 treatment of obesity” includes coverage for prevention and wellness, nutrition counseling,  
131 intensive behavioral therapy, bariatric surgery, and FDA-approved anti-obesity medication. The  
132 term ‘FDA-approved anti-obesity medication’ refers to any medication approved by the US Food  
133 and Drug Administration with an indication for chronic weight management in patients with  
134 obesity.

135 Coverage criteria for FDA-approved anti-obesity medications provided under this  
136 section shall not be more restrictive than the FDA-approved indications for those treatments.

137 Coverage under this section shall be neither different nor separate from coverage for any  
138 other illness, condition, or disorder for purposes of determining deductibles, lifetime dollar  
139 limits, copayment and coinsurance factors, and benefit year maximum for deductibles and  
140 copayment and coinsurance factors.



141           Nothing shall preclude the undertaking of utilization management to determine the  
142 medical necessity for treatment of obesity under this section, provided that all such  
143 appropriateness and medical necessity determinations are made in the same manner as those  
144 determinations are made for the treatment of any other illness, condition, or disorder covered by  
145 such policy, contract, or plan.

146           The insurer shall provide notice to its policyholders regarding the coverage required by  
147 this section. The notice shall be in writing and prominently positioned in any literature or  
148 correspondence sent to policyholders and shall be transmitted to policyholders within calendar  
149 year when annual information is made available to policyholders, or in any other mailing to  
150 policyholders.