

FIRST REGULAR SESSION

SENATE BILL NO. 665

92ND GENERAL ASSEMBLY

INTRODUCED BY SENATOR BLAND.

Read 1st time February 27, 2003, and 1,000 copies ordered printed.

TERRY L. SPIELER, Secretary.

1704S.021

AN ACT

To amend chapter 376, RSMo, by adding thereto one new section relating to obesity.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Chapter 376, RSMo, is amended by adding thereto one new section, to be known as section 376.784, to read as follows:

376.784. 1. As used in this section, the following words and phrases mean:

(1) "Body mass index" or "BMI", 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 by height in meters squared ($BMI=kg/m^2$) or weight in pounds divided by height in inches squared and multiplied by 703 ($BMI=lbs/in^2 \times 703$);

(2) "Obesity", body mass index more than $30kg/m^2$ among adults and among children, body mass index is greater than the 95th percentile for age and sex in six-to ten-year olds;

(3) "Overweight", body mass index between $25kg/m^2$ and 29.9 among adults and among children, a body mass index greater than the 85th percentile but less than the 95th percentile;

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

2. All individual and group health insurance policies providing coverage on an expense-incurred basis, individual and group service or indemnity type contracts

issued by a nonprofit corporation, individual and group service contracts issued by a health maintenance organization, all self-insured group arrangements to the extent not preempted by federal law and all managed health care delivery entities of any type or description, that are delivered, issued for delivery, continued, or renewed on or after August 28, 2003, and providing coverage to any resident of this state shall offer coverage for the treatment of overweight and obesity under those terms and conditions as may be agreed upon between the group subscriber and the plan. Every plan shall communicate the availability of such coverage to all covered policyholders, groups, or individuals.

3. The coverage provided for in this section may be subject to a lifetime cap of one weight reduction program. However, this limitation shall not apply to any treatment of an immediate life-threatening situation as defined by the treating physician.

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

5. Nothing in this section shall be construed to allow limits of liability of coverage for overweight and obesity which prevents the policyholder from accessing medically necessary and appropriate treatment for overweight and obesity as recommended by a licensed physician, chiropractor, or registered and licensed dietician.

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