

A BILL TO BE ENTITLED
AN ACT

1 To amend Code Section 33-24-59.7 of the Official Code of Georgia Annotated, relating to
2 coverage of morbidly obese patients, so as to require that every health benefit policy that is
3 delivered, issued, executed, or renewed in this state or approved for issuance or renewal in
4 this state by the Commissioner of Insurance on or after July 1, 2005, which provides major
5 medical benefits shall provide coverage for the treatment of morbid obesity; to provide for
6 related matters; to repeal conflicting laws; and for other purposes.

7 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

SECTION 1.

8 Code Section 33-24-59.7 of the Official Code of Georgia Annotated, relating to coverage of
9 morbidly obese patients, is amended by striking subsection (c) and inserting in lieu thereof
10 a new subsection (c) to read as follows:
11

12 "(c)(1) As used in this Code section, the term:

13 (A) 'Health benefit policy' means any individual or group plan, policy, or contract for
14 health care services issued, delivered, issued for delivery, or renewed in this state which
15 provides major medical benefits, including those contracts executed by the State of
16 Georgia on behalf of indigents and on behalf of state employees under Article 1 of
17 Chapter 18 of Title 45, by a health care corporation, health maintenance organization,
18 preferred provider organization, accident and sickness insurer, fraternal benefit society,
19 hospital service corporation, medical service corporation, or other insurer or similar
20 entity.

21 (B) 'Health care providers' means those physicians and medical institutions that are
22 specifically qualified to treat in a comprehensive manner the entire complex of illness
23 and disease associated with morbid obesity.

24 (C) 'Insurer' means an accident and sickness insurer, fraternal benefit society, hospital
25 service corporation, medical service corporation, health care corporation, health
26 maintenance organization, or any similar entity authorized to issue contracts under this

1 title and also means any state program funded under Title XIX of the federal Social
2 Security Act, 42 U.S.C.A. Section 1396 et seq., and any other publicly funded state
3 health care program.

4 (D) 'Morbid obesity' means a weight which is at least 100 pounds over or twice the
5 ideal weight for frame, age, height, and gender as specified in the 1983 Metropolitan
6 Life Insurance tables. Morbid obesity also means a body mass index (BMI) equal to
7 or greater than 35 kilograms per meter squared with comorbidity or coexisting medical
8 conditions such as hypertension, cardiopulmonary conditions, sleep apnea, or diabetes
9 or a BMI of 40 kilograms per meter squared without such comorbidity. BMI equals
10 weight in kilograms divided by height in meters squared.

11 (2) Every health benefit policy that is delivered, issued, executed, or renewed in this state
12 or approved for issuance or renewal in this state by the Commissioner on or after July 1,
13 ~~1999~~ 2005, which provides major medical benefits ~~may offer~~ shall provide coverage for
14 the treatment of morbid obesity."

15 SECTION 2.

16 All laws and parts of laws in conflict with this Act are repealed.