An act to add Section 1374.6 to the Health and Safety Code, and to add Section 10123.62 to the Insurance Code, relating to health care coverage.

LEGISLATIVE COUNSEL’S DIGEST

Existing law, the Knox-Keene Health Care Service Plan Act of 1975, provides for the licensure and regulation of health care service plans by the Department of Managed Health Care and makes a willful violation of the act’s requirements a crime. Existing law provides for the regulation of disability and health insurers by the Department of Insurance. Existing law sets forth specified coverage requirements for plan contracts and insurance policies, and limits the copayment, coinsurance, deductible, and other cost sharing that may be imposed for specified health care services.

This bill would require an individual or group health care service plan contract or health insurance policy issued, amended, or renewed on or after January 1, 2025, to include comprehensive coverage for the treatment of obesity in the same manner as any other illness, condition, or disorder. The bill would prohibit an individual or group health care service plan contract or health insurance policy from requiring more than 6 months of intensive behavioral therapy prior to granting access to other treatment options. The bill would also require that at least one FDA approved antiobesity medication within the class of the relevant United States Pharmacopeia therapeutic category appear on, and be
covered under, tier one of the health care service plan’s or insurer’s
drug formulary. obesity, including coverage for intensive behavioral
therapy, bariatric surgery, and at least one FDA-approved antiobesity
medication.

Because a willful violation of these provisions by a health care service
plan would be a crime, the bill would impose a state-mandated local
program.

The California Constitution requires the state to reimburse local
agencies and school districts for certain costs mandated by the state.
Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act
for a specified reason.

State-mandated local program: yes.

The people of the State of California do enact as follows:

SECTION 1. This act shall be known, and may be cited, as the
Obesity Treatment Parity Act.

SEC. 2. The Legislature finds and declares all of the following:

(a) Obesity is a serious chronic disease that is recognized as
such by major medical organizations, including the American
Medical Association since 2013, the American Association of
Clinical Endocrinology, the American College of Cardiology, the
Endocrine Society, the American Society for Reproductive
Medicine, the Society for Cardiovascular Angiography and
Interventions, the American Urological Association, and the
American College of Surgeons.

(b) Obesity is a complex chronic disease, one in which genetics,
the environment, and biology all play an important factor.

(c) Obesity is linked to more than 200 comorbid conditions.

(d) Obesity is associated with an increased risk of 13 types of
cancer.

(e) From 2005 to 2014, most cancers associated with obesity
and being overweight increased in the United States, while cancers
associated with other factors decreased.

(f) Obesity reduces a patient’s overall survival rate and
cancer-specific survival rate, as well as increases the risk of cancer
recurrence.

(g) Obesity disproportionately affects communities of color.
(h) Obesity is impacted by socioeconomic status.
(i) Adults suffering from obesity have a 55 percent higher risk of developing depression over their lifetime.
(j) Obesity accounts for 47 percent of the total cost of chronic diseases in the United States.
(k) Obesity is a highly stigmatized disease.
(l) Barriers to accessing obesity treatments include stigma, racism, and discrimination.
(m) The California Code of Regulations currently requires coverage of outpatient prescription drugs for the treatment of obesity, but only when a patient is diagnosed with “morbid obesity,” modernly referred to as “severe obesity.”
(n) Chronic diseases without the stigma, racism, and discrimination of obesity do not require patients to reach the designation of “morbid” to be worthy of treatment options that include outpatient prescription drugs.
(o) The Obesity Treatment Parity Act would address health equity gaps and social determinants of health for Californians by ensuring the full range of treatment options are available to patients, without them having to reach a level of obesity considered “morbid.”

SEC. 3. Section 1374.6 is added to the Health and Safety Code, to read:

1374.6. (a) An individual or group health care service plan contract that provides coverage for outpatient prescription drug benefits that is issued, amended, or renewed on or after January 1, 2025, shall include coverage for the treatment of obesity, including coverage for intensive behavioral therapy, bariatric surgery, and at least one FDA-approved antiobesity medication.

(b) This section does not prohibit a plan from applying utilization management to determine the medical necessity for treatment of obesity under this section if appropriateness and medical necessity determinations are made in the same manner as those determinations are made for the treatment of any other illness, condition, or disorder covered by a contract. Plans shall not require more than six months of intensive behavioral therapy prior to granting access to other treatment options required by this section.

(c) For purposes of this section, “FDA-approved antiobesity medication” means a medication approved by the United States
Food and Drug Administration with an indication for chronic weight management in patients with obesity.

(d) At least one FDA-approved antiobesity medication within the class of the relevant United States Pharmacopeia therapeutic category shall appear on, and be covered pursuant to, tier one of the plan’s drug formulary.

(e) Coverage criteria for FDA-approved antiobesity medications shall not be more restrictive than the FDA-approved indications for those treatments.

(f) This section does not apply to a specialized health care service plan contract that covers only dental or vision benefits or a Medicare supplement contract.

SEC. 4. Section 10123.62 is added to the Insurance Code, to read:

10123.62. (a) An individual or group health insurance policy that provides coverage for outpatient prescription drug benefits that is issued, amended, or renewed on or after January 1, 2025, shall include coverage for the treatment of obesity, including coverage for intensive behavioral therapy, bariatric surgery, and at least one FDA-approved antiobesity medication.

(b) This section does not prohibit an insurer from applying utilization management to determine the medical necessity for treatment of obesity under this section if appropriateness and medical necessity determinations are made in the same manner as those determinations are made for the treatment of any other illness, condition, or disorder covered by a policy. Plans shall not require more than six months of intensive behavioral therapy prior to granting access to other treatment options required by this section.

(c) For purposes of this section, “FDA-approved antiobesity medication” means a medication approved by the United States Food and Drug Administration with an indication for chronic weight management in patients with obesity.

(d) At least one FDA-approved antiobesity medication within the class of the relevant United States Pharmacopeia therapeutic category shall appear on, and be covered pursuant to, tier one of the insurer’s drug formulary.

(e)
(d) Coverage criteria for FDA-approved antiobesity medications shall not be more restrictive than the FDA-approved indications for those treatments.

(e) This section does not apply to a specialized health insurance policy that covers only dental or vision benefits or a Medicare supplement policy.

SEC. 5. No reimbursement is required by this act pursuant to Section 6 of Article XIIIB of the California Constitution because the only costs that may be incurred by a local agency or school district will be incurred because this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.