

SENATE BILL 594

J1

4lr2165

By: **Senator Hershey**

Introduced and read first time: January 26, 2024

Assigned to: Finance

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Medical Assistance Program – Coverage for the Treatment of Obesity**

3 FOR the purpose of requiring, beginning on a certain date, the Maryland Medical
4 Assistance Program to provide comprehensive coverage for the treatment of obesity;
5 requiring the Maryland Department of Health to provide notice to Program
6 recipients of the coverage requirements; and generally relating to the Maryland
7 Medical Assistance Program and coverage for the treatment of obesity.

8 BY repealing and reenacting, without amendments,

9 Article – Health – General

10 Section 15–103(a)(1)

11 Annotated Code of Maryland

12 (2023 Replacement Volume)

13 BY repealing and reenacting, with amendments,

14 Article – Health – General

15 Section 15–103(a)(2)(xxi) and (xxii)

16 Annotated Code of Maryland

17 (2023 Replacement Volume)

18 (As enacted by Chapters 504 and 505 of the Acts of the General Assembly of 2022)

19 BY adding to

20 Article – Health – General

21 Section 15–103(a)(2)(xxiii) and 15–155

22 Annotated Code of Maryland

23 (2023 Replacement Volume)

24 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
25 That the Laws of Maryland read as follows:

26 **Article – Health – General**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 15–103.

2 (a) (1) The Secretary shall administer the Maryland Medical Assistance
3 Program.

4 (2) The Program:

5 (xxi) Beginning on January 1, 2024, shall provide gender–affirming
6 treatment in accordance with § 15–151 of this subtitle; [and]

7 (xxii) Beginning on July 1, 2025, shall provide, subject to the
8 limitations of the State budget, and as permitted by federal law, coverage for biomarker
9 testing in accordance with § 15–859 of the Insurance Article; AND

10 (XXIII) BEGINNING ON JULY 1, 2025, SHALL PROVIDE
11 COMPREHENSIVE COVERAGE FOR THE TREATMENT OF OBESITY IN ACCORDANCE
12 WITH § 15–155 OF THIS SUBTITLE.

13 15–155.

14 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
15 INDICATED.

16 (2) “COMPREHENSIVE COVERAGE FOR THE TREATMENT OF OBESITY”
17 INCLUDES COVERAGE FOR INTENSIVE BEHAVIORAL THERAPY, BARIATRIC SURGERY,
18 AND FDA–APPROVED ANTI OBESITY MEDICATION.

19 (3) “FDA–APPROVED ANTI OBESITY MEDICATION” MEANS ANY
20 MEDICATION APPROVED BY THE FEDERAL FOOD AND DRUG ADMINISTRATION WITH
21 AN INDICATION FOR CHRONIC WEIGHT MANAGEMENT IN PATIENTS WITH OBESITY.

22 (B) THE PROGRAM SHALL PROVIDE COMPREHENSIVE COVERAGE FOR THE
23 TREATMENT OF OBESITY.

24 (C) COVERAGE CRITERIA FOR FDA–APPROVED ANTI OBESITY
25 MEDICATIONS PROVIDED UNDER THIS SECTION MAY NOT BE MORE RESTRICTIVE
26 THAN THE FDA–APPROVED ANTI OBESITY MEDICATION’S INDICATIONS FOR
27 TREATMENT.

28 (D) THE PROGRAM MAY UNDERTAKE UTILIZATION MANAGEMENT TO
29 DETERMINE THE MEDICAL NECESSITY AND APPROPRIATENESS FOR TREATMENT OF
30 OBESITY UNDER THIS SECTION IF THE DETERMINATIONS ARE MADE IN THE SAME

1 MANNER AS DETERMINATIONS ARE MADE FOR THE TREATMENT OF ANY OTHER
2 ILLNESS, CONDITION, OR DISORDER COVERED BY THE PROGRAM.

3 (E) THE DEPARTMENT SHALL PROVIDE NOTICE TO PROGRAM RECIPIENTS
4 OF THE COVERAGE REQUIRED UNDER THIS SECTION.

5 SECTION 2. AND BE IT FURTHER ENACTED, That, on or before June 1, 2025,
6 the Maryland Department of Health shall provide notice to Maryland Medical Assistance
7 Program recipients of the coverage required by this Act in writing, and prominently
8 positioned in any literature or correspondence sent to Program recipients about coverage
9 available under the Program in calendar year 2025.

10 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
11 October 1, 2024.