

# SENATE BILL 594

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CF HB 986

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By: **Senator Hershey**

Introduced and read first time: January 26, 2024

Assigned to: Finance

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 2, 2024

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

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

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

12 ~~BY repealing and reenacting, without amendments,~~  
13 ~~Article – Health – General~~  
14 ~~Section 15–103(a)(1)~~  
15 ~~Annotated Code of Maryland~~  
16 ~~(2023 Replacement Volume)~~

17 ~~BY repealing and reenacting, with amendments,~~  
18 ~~Article – Health – General~~  
19 ~~Section 15–103(a)(2)(xxi) and (xxii)~~  
20 ~~Annotated Code of Maryland~~  
21 ~~(2023 Replacement Volume)~~  
22 ~~(As enacted by Chapters 504 and 505 of the Acts of the General Assembly of 2022)~~

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



~~BY adding to  
 Article — Health — General  
 Section 15-103(a)(2)(xxiii) and 15-155  
 Annotated Code of Maryland  
 (2023 Replacement Volume)~~

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND.

That:

(a) (1) In this section the following words have the meanings indicated.

(2) “Comprehensive coverage for the treatment of obesity” includes coverage for intensive behavioral therapy, bariatric surgery, and FDA-approved antiobesity medication.

(3) “FDA-approved antiobesity medication” means any medication approved by the federal Food and Drug Administration with an indication for chronic weight management in patients with obesity.

(b) The Maryland Department of Health, in consultation with relevant stakeholders, including representatives of the American Board of Obesity Medicine, the Johns Hopkins University School of Medicine, and the University of Maryland School of Medicine, shall study the impact of requiring the Maryland Medical Assistance Program to provide comprehensive coverage for the treatment of obesity.

(c) In conducting the study, the Department shall:

(1) identify and compare the coverage for the treatment of obesity under medical assistance programs and other public health programs in other states; and

(2) examine and estimate any potential savings that may result from requiring comprehensive coverage for the treatment of obesity due to reductions in the use of medications and services currently covered under the Maryland Medical Assistance Program, including reductions in costs from weight-related comorbidities including cardiovascular disease, hypertension, sleep apnea, depression, asthma, nonalcoholic fatty liver disease, Type 2 diabetes, knee and hip osteoarthritis, and gout.

(d) On or before December 31, 2024, the Maryland Department of Health shall report its findings to the House Health and Government Operations Committee and the Senate Finance Committee, in accordance with § 2-1257 of the State Government Article.

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

~~Article — Health — General~~

~~15-103.~~

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

3                   (2)   ~~The Program.~~

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

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

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

12 ~~15-155.~~

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

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

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

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

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

27           (D)   ~~THE PROGRAM MAY UNDERTAKE UTILIZATION MANAGEMENT TO~~  
28 ~~DETERMINE THE MEDICAL NECESSITY AND APPROPRIATENESS FOR TREATMENT OF~~  
29 ~~OBESITY UNDER THIS SECTION IF THE DETERMINATIONS ARE MADE IN THE SAME~~  
30 ~~MANNER AS DETERMINATIONS ARE MADE FOR THE TREATMENT OF ANY OTHER~~  
31 ~~ILLNESS, CONDITION, OR DISORDER COVERED BY THE PROGRAM.~~

1        ~~(E) THE DEPARTMENT SHALL PROVIDE NOTICE TO PROGRAM RECIPIENTS~~  
2 ~~OF THE COVERAGE REQUIRED UNDER THIS SECTION.~~

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

8        SECTION ~~3~~ 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
9 ~~October~~ July 1, 2024.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.