

ASSEMBLY, No. 5200

STATE OF NEW JERSEY 220th LEGISLATURE

INTRODUCED FEBRUARY 16, 2023

Sponsored by:

Assemblywoman CAROL A. MURPHY

District 7 (Burlington)

Assemblyman JOHN F. MCKEON

District 27 (Essex and Morris)

Assemblywoman SHANIQUE SPEIGHT

District 29 (Essex)

Co-Sponsored by:

Assemblymen Wimberly and Catalano

SYNOPSIS

Requires health insurance coverage of prescribed anti-obesity medication.

CURRENT VERSION OF TEXT

As introduced.



(Sponsorship Updated As Of: 5/8/2023)

1 AN ACT concerning health insurance coverage for certain anti-
2 obesity medication and supplementing various parts of the
3 statutory law.

4
5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:

7
8 1. a. A hospital service corporation contract that provides
9 hospital or medical expense benefits and is delivered, issued,
10 executed or renewed in this State pursuant to P.L.1938, c.366
11 (C.17:48-1 et seq.), or approved for issuance or renewal in this State
12 by the Commissioner of Banking and Insurance on or after the
13 effective date of this act, shall provide benefits to any named
14 subscriber or other person covered thereunder for expenses incurred
15 in obtaining prescribed anti-obesity medication.

16 b. The benefits shall be provided to the same extent as for any
17 other medical condition under the contract.

18 c. The provisions of this section shall apply to all hospital
19 service corporation contracts in which the hospital service
20 corporation has reserved the right to change the premium.

21 d. For the purpose of this section, “anti-obesity medication”
22 means any medication approved by the United States Food and
23 Drug Administration that provides for chronic weight management
24 in patients with obesity.

25
26 2. a. Every medical service corporation contract that provides
27 hospital or medical expense benefits and is delivered, issued,
28 executed or renewed in this State pursuant to P.L.1940, c.74
29 (C.17:48A-1 et seq.), or approved for issuance or renewal in this
30 State by the Commissioner of Banking and Insurance on or after the
31 effective date of this act, shall provide benefits to any named
32 subscriber or other person covered thereunder for expenses incurred
33 in obtaining prescribed anti-obesity medication.

34 b. The benefits shall be provided to the same extent as for any
35 other medical condition under the contract.

36 c. The provisions of this section shall apply to all medical
37 service corporation contracts in which the medical service
38 corporation has reserved the right to change the premium.

39 d. For the purpose of this section, “anti-obesity medication”
40 means any medication approved by the United States Food and
41 Drug Administration that provides for chronic weight management
42 in patients with obesity.

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44 3. a. Every health service corporation contract that provides
45 hospital or medical expense benefits and is delivered, issued,
46 executed or renewed in this State pursuant to P.L.1985, c.236
47 (C.17:48E-1 et seq.), or approved for issuance or renewal in this
48 State by the Commissioner of Banking and Insurance on or after the
49 effective date of this act, shall provide benefits to any named

- 1 subscriber or other person covered thereunder for expenses incurred
2 in obtaining prescribed anti-obesity medication.
- 3 b. The benefits shall be provided to the same extent as for any
4 other medical condition under the contract.
- 5 c. The provisions of this section shall apply to all health
6 service corporation contracts in which the health service
7 corporation has reserved the right to change the premium.
- 8 d. For the purpose of this section, “anti-obesity medication”
9 means any medication approved by the United States Food and
10 Drug Administration that provides for chronic weight management
11 in patients with obesity.
- 12
- 13 4. a. Every individual policy that provides hospital or medical
14 expense benefits and is delivered, issued, executed or renewed in
15 this State pursuant to N.J.S. 17B:26-1 et seq., or approved for
16 issuance or renewal in this State by the Commissioner of Banking
17 and Insurance on or after the effective date of this act, shall provide
18 benefits to any named insured or other person covered thereunder
19 for expenses incurred obtaining prescribed anti-obesity medication.
- 20 b. The benefits shall be provided to the same extent as for any
21 other medical condition under the policy.
- 22 c. The provisions of this section shall apply to all health
23 insurance policies in which the insurer has reserved the right to
24 change the premium.
- 25 d. For the purpose of this section, “anti-obesity medication”
26 means any medication approved by the United States Food and
27 Drug Administration that provides for chronic weight management
28 in patients with obesity.
- 29
- 30 5. a. Every group policy that provides hospital or medical
31 expense benefits and is delivered, issued, executed or renewed in
32 this State pursuant to N.J.S.17B:27-26 et seq., or approved for
33 issuance or renewal in this State by the Commissioner of Banking
34 and Insurance on or after the effective date of this act, shall provide
35 benefits to any named insured or other person covered thereunder
36 for expenses incurred in obtaining prescribed anti-obesity
37 medication.
- 38 b. The benefits shall be provided to the same extent as for any
39 other medical condition under the policy.
- 40 c. The provisions of this section shall apply to all health
41 insurance policies in which the insurer has reserved the right to
42 change the premium.
- 43 d. For the purpose of this section, “anti-obesity medication”
44 means any medication approved by the United States Food and
45 Drug Administration that provides for chronic weight management
46 in patients with obesity.
- 47
- 48 6. a. Every enrollee agreement that provides hospital or
49 medical expense benefits and is delivered, issued, executed, or

1 renewed in this State pursuant to P.L.1973, c.337 (C.26:2J-1 et
2 seq.), or approved for issuance or renewal in this State by the
3 Commissioner of Banking and Insurance on or after the effective
4 date of this act, shall provide health care services to any enrollee or
5 other person covered thereunder for expenses incurred in obtaining
6 prescribed anti-obesity medication.

7 b. The health care services shall be provided to the same extent
8 as for any other medical condition under the enrollee agreement.

9 c. The provisions of this section shall apply to all enrollee
10 agreements in which the health maintenance organization has
11 reserved the right to change the schedule of charges.

12 d. For the purpose of this section, “anti-obesity medication”
13 means any medication approved by the United States Food and
14 Drug Administration that provides for chronic weight management
15 in patients with obesity.

16
17 7. a. Every individual health benefits plan that provides
18 hospital or medical expense benefits and is delivered, issued,
19 executed or renewed in this State pursuant to P.L.1992, c.161
20 (C.17B:27A-2 et seq.), or approved for issuance or renewal in this
21 State on or after the effective date of this act, shall provide benefits
22 to any person covered thereunder for expenses incurred in obtaining
23 prescribed anti-obesity medication.

24 b. The benefits shall be provided to the same extent as for any
25 other medical condition under the health benefits plan.

26 c. The provisions of this section shall apply to all individual
27 health benefits plans in which the carrier has reserved the right to
28 change the premium.

29 d. For the purpose of this section, “anti-obesity medication”
30 means any medication approved by the United States Food and
31 Drug Administration that provides for chronic weight management
32 in patients with obesity.

33
34 8. a. Every small employer health benefits plan that provides
35 hospital or medical expense benefits and is delivered, issued,
36 executed or renewed in this State pursuant to P.L.1992, c.162
37 (C.17B:27A-17 et seq.), or approved for issuance or renewal in this
38 State on or after the effective date of this act, shall provide benefits
39 to any person covered thereunder for expenses incurred obtaining
40 prescribed anti-obesity medication.

41 b. The benefits shall be provided to the same extent as for any
42 other medical condition under the health benefits plan.

43 c. The provisions of this section shall apply to all small
44 business health benefits plans in which the carrier has reserved the
45 right to change the premium.

46 d. For the purpose of this section, “anti-obesity medication”
47 means any medication approved by the United States Food and
48 Drug Administration that provides for chronic weight management
49 in patients with obesity.

1 9. a. The State Health Benefits Commission shall ensure that
2 every contract purchased by the commission on or after the
3 effective date of this act, that provides hospital or medical expense
4 benefits shall provide benefits to any person covered thereunder for
5 expenses incurred in obtaining prescribed anti-obesity medication.

6 b. The benefits shall be provided to the same extent as for any
7 other medical condition under the contract.

8 c. For the purpose of this section, “anti-obesity medication”
9 means any medication approved by the United States Food and
10 Drug Administration that provides for chronic weight management
11 in patients with obesity.

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13 10. a. The School Employees’ Health Benefits Commission
14 shall ensure that every contract purchased by the commission on or
15 after the effective date of this act that provides hospital or medical
16 expense benefits shall provide benefits to any person covered
17 thereunder for expenses incurred in obtaining prescribed anti-
18 obesity medication.

19 b. The benefits shall be provided to the same extent as for any
20 other medical condition under the contract.

21 c. For the purpose of this section, “anti-obesity medication”
22 means any medication approved by the United States Food and
23 Drug Administration that provides for chronic weight management
24 in patients with obesity.

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26 11. This act shall take effect on the 90th day next following
27 enactment and shall apply to policies and contracts that are
28 delivered, issued, executed, or renewed on or after that date.

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STATEMENT

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33 This bill requires health insurance coverage of prescribed anti-
34 obesity medication.

35 Specifically, under the bill, health insurance carriers (including
36 insurance companies, hospital service corporations, medical service
37 corporations, health service corporations, health maintenance
38 organizations authorized to issue health benefits plans in New
39 Jersey, and any entities contracted to administer health benefits in
40 connection with the State Health Benefits Program and School
41 Employees’ Health Benefits Program) will be required to cover
42 prescribed anti-obesity medication that is approved by the U.S.
43 Food and Drug Administration.

44 It is the intent of the sponsor of this bill that access to obesity
45 medication be expanded and that greater attention be placed on
46 obesity as a disease. Since 2013, the American Medical
47 Association has recognized obesity as a disease requiring treatment
48 and prevention efforts. According to the World Health
49 Organization, obesity leads to a range of non-communicable

1 diseases such as type 2 diabetes, cardiovascular disease,
2 hypertension, stroke, various forms of cancer, and various mental
3 health issues. It is estimated that almost one-third of American
4 adults and 17% of American children ages two to 19 are obese.
5 Globally, more than one billion people are considered to be obese,
6 with an additional 167 million people expected to become obese by
7 2025. By expanding access to FDA-approved anti-obesity
8 medication such as “Wegovy,” more individuals will be able to
9 affordably access this effective treatment.