

House Bill 1179

By: Representatives Cooper of the 45<sup>th</sup>, Hawkins of the 27<sup>th</sup>, Jones of the 25<sup>th</sup>, Oliver of the 82<sup>nd</sup>, and Lumsden of the 12<sup>th</sup>

A BILL TO BE ENTITLED

AN ACT

1 To amend Code Section 33-24-59.25 of the Official Code of Georgia Annotated, relating to  
2 establishment by health benefit plans of step therapy protocols, exception process, time  
3 requirements, appeals, construction, and application, so as to provide that step therapy  
4 protocols may not be required for medications prescribed for the treatment of serious mental  
5 illness under health benefit plans; to provide a definition; to amend Article 7 of Chapter 4 of  
6 Title 49 of the Official Code of Georgia Annotated, relating to medical assistance generally,  
7 so as to provide that step therapy protocols may not be required for medications prescribed  
8 for the treatment of serious mental illness under Medicaid; to provide a definition; to provide  
9 for related matters; to repeal conflicting laws; and for other purposes.

10 BE IT ENACTED BY THE GENERAL ASSEMBLY OF GEORGIA:

11 **SECTION 1.**

12 Code Section 33-24-59.25 of the Official Code of Georgia Annotated, relating to  
13 establishment by health benefit plans of step therapy protocols, exception process, time  
14 requirements, appeals, construction, and application, is amended by adding a new subsection  
15 to read as follows:

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16 "(e.1)(1) A health benefit plan shall not impose a step therapy protocol for a prescription  
17 drug prescribed for the treatment of serious mental illness.

18 (2) As used in this subsection, the term 'serious mental illness' means the following  
19 psychiatric illnesses as defined by the American Psychiatric Association in the  
20 Diagnostic and Statistical Manual of Mental Disorders (DSM), in effect on July 1, 2024:

21 (A) Bipolar disorders, including hypomanic, manic, depressive, and mixed;

22 (B) Depression in childhood and adolescence;

23 (C) Major depressive disorders, single episode or recurrent;

24 (D) Obsessive-compulsive disorders;

25 (E) Paranoid and other psychotic disorders;

26 (F) Postpartum depression;

27 (G) Schizoaffective disorders, bipolar or depressive; and

28 (H) Schizophrenia."

29 **SECTION 2.**

30 Article 7 of Chapter 4 of Title 49 of the Official Code of Georgia Annotated, relating to  
31 medical assistance generally, is amended by adding a new Code section to read as follows:

32 "49-4-159.4.

33 (a) As used in this Code section, the term 'serious mental illness' means the following  
34 psychiatric illnesses as defined by the American Psychiatric Association in the *Diagnostic*  
35 *and Statistical Manual of Mental Disorders* (DSM), in effect on July 1, 2024:

36 (1) Bipolar disorders, including hypomanic, manic, depressive, and mixed;

37 (2) Depression in childhood and adolescence;

38 (3) Major depressive disorders, single episode or recurrent;

39 (4) Obsessive-compulsive disorders;

40 (5) Paranoid and other psychotic disorders;

41 (6) Postpartum depression;

42 (7) Schizoaffective disorders, bipolar or depressive; and

43 (8) Schizophrenia.

44 (b) On and after July 1, 2024, any contract entered into or renewed by the department with  
45 a provider of medical assistance shall prohibit the imposition of any step therapy protocol  
46 for a prescription drug prescribed for the treatment of serious mental illness.

47 (c) If necessary to implement the provisions of this Code section, the department shall  
48 submit a Medicaid state plan amendment or waiver request to the United States Department  
49 of Health and Human Services."

50 **SECTION 3.**

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