

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 271 Session of 2025

INTRODUCED BY CAPPELLETTI, SCHWANK, PENNYCUICK, HAYWOOD, STREET, COSTA, TARTAGLIONE, SANTARSIERO AND KANE, FEBRUARY 20, 2025

REFERRED TO BANKING AND INSURANCE, FEBRUARY 20, 2025

AN ACT

1 Amending the act of May 17, 1921 (P.L.682, No.284), entitled "An
 2 act relating to insurance; amending, revising, and
 3 consolidating the law providing for the incorporation of
 4 insurance companies, and the regulation, supervision, and
 5 protection of home and foreign insurance companies, Lloyds
 6 associations, reciprocal and inter-insurance exchanges, and
 7 fire insurance rating bureaus, and the regulation and
 8 supervision of insurance carried by such companies,
 9 associations, and exchanges, including insurance carried by
 10 the State Workmen's Insurance Fund; providing penalties; and
 11 repealing existing laws," in casualty insurance, providing
 12 for coverage for anti-obesity treatments; and abrogating a
 13 regulation.

14 The General Assembly of the Commonwealth of Pennsylvania
 15 hereby enacts as follows:

16 Section 1. The act of May 17, 1921 (P.L.682, No.284), known
 17 as The Insurance Company Law of 1921, is amended by adding a
 18 section to read:

19 Section 635.11. Coverage for Anti-Obesity Treatments.--(a)
 20 All of the following shall be considered compensable items or
 21 services under the Commonwealth's medical assistance program:

22 (1) Bariatric surgery and related treatments for obesity and
 23 morbid obesity when the prescribing physician has issued a

1 written order stating that treatment is in accordance with the
2 patient qualifications and treatment standards provided by the
3 American Society for Metabolic and Bariatric Surgery or the
4 American College of Surgeons, subject to the following:

5 (i) Related treatment may include, but not be limited to,
6 preoperative psychological screening and counseling, behavior
7 modification, weight loss, exercise regimens, nutritional
8 counseling and postoperative follow-up, overview and counseling
9 of dietary, exercise and lifestyle changes.

10 (ii) The insured shall be at least eighteen (18) years of
11 age.

12 (2) An anti-obesity drug when it is included:

13 (i) in the definition of "covered outpatient drug" under 42
14 U.S.C. § 1396r-8(k) (relating to payment for covered outpatient
15 drugs) and subject to 42 U.S.C. § 1396r-8(a)(1); and

16 (ii) on the Pennsylvania Medical Assistance Statewide
17 Preferred Drug List authorized under section 459.1 of the act of
18 June 13, 1967 (P.L.31, No.21), known as the "Human Services
19 Code."

20 (b) A health insurer that issues or renews a health
21 insurance policy providing benefits for medical or hospital
22 expenses to insureds residing in this Commonwealth shall provide
23 to the insured under the health insurance policy coverage for
24 all of the following:

25 (1) Bariatric surgery and related treatments for obesity and
26 morbid obesity when the prescribing physician has issued a
27 written order stating that treatment is in accordance with the
28 patient qualifications and treatment standards provided by the
29 American Society for Metabolic and Bariatric Surgery or the
30 American College of Surgeons, subject to the following:

1 (i) Related treatment may include, but not be limited to,
2 preoperative psychological screening and counseling, behavior
3 modification, weight loss, exercise regimens, nutritional
4 counseling and postoperative follow-up, overview and counseling
5 of dietary, exercise and lifestyle changes.

6 (ii) The insured shall be at least eighteen (18) years of
7 age.

8 (iii) An entity subject to this subsection shall provide the
9 benefits required under this subsection to the same extent as
10 for other medically necessary surgical procedures and treatments
11 under the insured's contract or policy with the entity.

12 (2) An anti-obesity drug approved by the Food and Drug
13 Administration of the United States Department of Health and
14 Human Services.

15 (c) As used in this section:

16 (1) "Health insurance policy" means the following:

17 (i) A group or individual health or sickness or accident
18 insurance policy, subscriber contract or certificate issued by
19 an entity subject to any one of the following:

20 (A) Section 630 and Article XXIV of this act.

21 (B) The act of December 29, 1972 (P.L.1701, No.364), known
22 as the "Health Maintenance Organization Act."

23 (C) 40 Pa.C.S. Ch. 61 (relating to hospital plan
24 corporations) or 63 (relating to professional health services
25 plan corporations).

26 (ii) The term does not include accident only, fixed
27 indemnity, hospitality indemnity, limited benefit, credit,
28 dental, vision, specified disease, Medicare supplement, Civilian
29 Health and Medical Program of the Uniformed Services supplement,
30 long-term care or disability income, workers' compensation or

1 automobile medical payment insurance.

2 (2) "Health insurer" means an entity licensed by the
3 Insurance Department with accident and health authority to issue
4 a policy, subscriber contract, certificate or plan that provides
5 medical or health care coverage that is offered or governed
6 under any of the following:

7 (i) This act.

8 (ii) The "Health Maintenance Organization Act."

9 (iii) 40 Pa.C.S. Ch. 61 or 63.

10 (3) "Insured" means a person on whose behalf an insurer is
11 obligated to pay covered health care expense benefits or provide
12 health care services under a health insurance policy. The term
13 includes:

14 (i) A policyholder, subscriber, certificate holder, member,
15 dependent or other individual who is eligible to receive health
16 care services through a health insurance policy.

17 (ii) All individuals named in a health insurance policy
18 issued by a health insurer.

19 Section 2. The addition of section 635.11 of the act shall
20 apply to health insurance policies offered, issued or renewed on
21 or after the effective date of this section.

22 Section 3. The provisions of 55 Pa. Code § 1121.54(1) are
23 abrogated insofar as they are inconsistent with the addition of
24 section 635.11(a) (2) of the act.

25 Section 4. This act shall take effect in 60 days.