

108TH CONGRESS  
1ST SESSION

# H. R. 2024

To amend title XIX of the Social Security Act to require States that provide Medicaid prescription drug coverage to cover drugs medically necessary to treat obesity.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 7, 2003

Mr. TOWNS introduced the following bill; which was referred to the Committee on Energy and Commerce

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## A BILL

To amend title XIX of the Social Security Act to require States that provide Medicaid prescription drug coverage to cover drugs medically necessary to treat obesity.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Medicaid Obesity  
5 Treatment Act of 2003”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1           (1) The National Center for Health Statistics  
2 reports that 60 percent of Americans more than 20  
3 years of age are overweight or clinically obese.

4           (2) Weight-related conditions are the second  
5 leading cause of death in the United States, result-  
6 ing in about 300,000 preventable deaths each year.

7           (3) According to the Surgeon General, the prev-  
8 alence of overweight and obesity has almost doubled  
9 among America's children and adolescents since  
10 1980, and it is estimated that one out of five chil-  
11 dren is obese.

12          (4) The epidemic growth in obesity acquired  
13 during childhood or adolescence is particularly  
14 threatening to the national health because it often  
15 persists into adulthood and increases the risk for  
16 some chronic diseases later in life.

17          (5) The prevalence of obesity in America is at  
18 an all time high, affecting every State, both men and  
19 women, all ages, races, and education levels.

20          (6) Disparities in health status indicators and  
21 risk factors for diet-related disease are evident in  
22 many segments of the population based on gender,  
23 age, race and ethnicity, and income.

24          (7) Overweight and obesity are observed in all  
25 population groups, but obesity is particularly com-

1 mon among Hispanic, African American, Native  
2 American, and Pacific Islander women.

3 (8) Overweight and obesity are public health  
4 problems because they substantially increase the risk  
5 of illnesses, including breast cancer, colon cancer,  
6 ovarian cancer, prostate cancer, cardiovascular dis-  
7 ease, high blood pressure, high cholesterol, type 2 di-  
8 abetes, heart disease, stroke, gallbladder disease, ar-  
9 thritis, sleep disturbances, and respiratory problems.

10 (9) Overweight and obesity are associated with  
11 higher mortality rates.

12 (10) The total cost, both in terms of health care  
13 and lost productivity, of obesity alone was estimated  
14 as \$99 billion in 1995.

15 (11) Individuals who are overweight commonly  
16 experience psychological stress, reduced income, and  
17 discrimination.

18 (12) Requiring States to cover proven obesity  
19 medication may actually reduce Medicaid expendi-  
20 tures as a result of decreases in the costs associated  
21 with treating obesity-related comorbidities.

1 **SEC. 3. REQUIRING MEDICAID DRUG COVERAGE TO IN-**  
2 **CLUDE COVERAGE OF MEDICALLY NEC-**  
3 **CESSARY OBESITY DRUGS.**

4 (a) **IN GENERAL.**—Section 1927(d)(2)(A) of the So-  
5 cial Security Act (42 U.S.C. 1396r–8(d)(2)(A)) is amend-  
6 ed by inserting after “weight loss” the following: “unless  
7 prescribed for treatment of obesity as indicated in a com-  
8 pendium of drug use data described in subsection  
9 (g)(1)(B)(i)”.

10 (b) **EFFECTIVE DATE.**—The amendment made by  
11 subsection (a) applies to drugs dispensed on or after the  
12 first date of the second calendar quarter that begins after  
13 the date of the enactment of this Act.

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