

ASSEMBLY, No. 1361

STATE OF NEW JERSEY 213th LEGISLATURE

PRE-FILED FOR INTRODUCTION IN THE 2008 SESSION

Sponsored by:

Assemblyman HERB CONAWAY, JR.

District 7 (Burlington and Camden)

SYNOPSIS

Requires health insurers to cover costs of tobacco use cessation services.

CURRENT VERSION OF TEXT

Introduced Pending Technical Review by Legislative Counsel



A1361 CONAWAY

2

1 AN ACT concerning health benefits coverage for tobacco use
2 cessation services and supplementing Titles 17 and 26 of the
3 Revised Statutes and Title 17B of the New Jersey Statutes.
4

5 **BE IT ENACTED** by the Senate and General Assembly of the State
6 of New Jersey:
7

8 1. A hospital service corporation contract that provides hospital
9 and medical expense benefits and is delivered, issued, executed or
10 renewed in this State pursuant to P.L.1938, c.366 (C.17:48-1 et
11 seq.), or approved for issuance or renewal in this State by the
12 Commissioner of Banking and Insurance, on or after the effective
13 date of this act, shall provide coverage for expenses incurred for
14 counseling for cessation of tobacco use.

15 As used in this section, "counseling for cessation of tobacco use"
16 means diagnostic, therapy and counseling services for cessation of
17 tobacco use, for covered persons who use tobacco products or are
18 being treated for tobacco use, which are furnished by or under the
19 supervision of a physician and are limited to those services
20 recommended in "Treating Tobacco Use and Dependence: A
21 Clinical Practice Guideline," published by the United States Public
22 Health Service in June 2000, or any subsequent modification
23 thereof, and such other services as the United States Secretary of
24 Health and Human Services may recognize as effective for this
25 purpose through public written notice.

26 The benefits shall be provided to the same extent as for any other
27 medical condition under the contract.

28 This section shall apply to those hospital service corporation
29 contracts in which the hospital service corporation has reserved the
30 right to change the premium.
31

32 2. A medical service corporation contract that provides hospital
33 and medical expense benefits and is delivered, issued, executed or
34 renewed in this State pursuant to P.L.1940, c.74 (C.17:48A-1 et
35 seq.), or approved for issuance or renewal in this State by the
36 Commissioner of Banking and Insurance, on or after the effective
37 date of this act, shall provide coverage for expenses incurred for
38 counseling for cessation of tobacco use.

39 As used in this section, "counseling for cessation of tobacco use"
40 means diagnostic, therapy and counseling services for cessation of
41 tobacco use, for covered persons who use tobacco products or are
42 being treated for tobacco use, which are furnished by or under the
43 supervision of a physician and are limited to those services
44 recommended in "Treating Tobacco Use and Dependence: A
45 Clinical Practice Guideline," published by the United States Public
46 Health Service in June 2000, or any subsequent modification
47 thereof, and such other services as the United States Secretary of
48 Health and Human Services may recognize as effective for this

1 purpose through public written notice.

2 The benefits shall be provided to the same extent as for any other
3 medical condition under the contract.

4 This section shall apply to those medical service corporation
5 contracts in which the medical service corporation has reserved the
6 right to change the premium.

7

8 3. A health service corporation contract that provides hospital
9 and medical expense benefits and is delivered, issued, executed or
10 renewed in this State pursuant to P.L.1985, c.236 (C.17:48E-1 et
11 seq.) or approved for issuance or renewal in this State by the
12 Commissioner of Banking and Insurance, on or after the effective
13 date of this act, shall provide coverage for expenses incurred for
14 counseling for cessation of tobacco use.

15 As used in this section, "counseling for cessation of tobacco use"
16 means diagnostic, therapy and counseling services for cessation of
17 tobacco use, for covered persons who use tobacco products or are
18 being treated for tobacco use, which are furnished by or under the
19 supervision of a physician and are limited to those services
20 recommended in "Treating Tobacco Use and Dependence: A
21 Clinical Practice Guideline," published by the United States Public
22 Health Service in June 2000, or any subsequent modification
23 thereof, and such other services as the United States Secretary of
24 Health and Human Services may recognize as effective for this
25 purpose through public written notice.

26 The benefits shall be provided to the same extent as for any other
27 medical condition under the contract.

28 This section shall apply to those health service corporation
29 contracts in which the health service corporation has reserved the
30 right to change the premium.

31

32 4. A group health insurance policy that provides hospital and
33 medical expense benefits and is delivered, issued, executed or
34 renewed in this State pursuant to chapter 27 of Title 17B of the New
35 Jersey Statutes, or approved for issuance or renewal in this State by
36 the Commissioner of Banking and Insurance, on or after the
37 effective date of this act, shall provide coverage for expenses
38 incurred for counseling for cessation of tobacco use.

39 As used in this section, "counseling for cessation of tobacco use"
40 means diagnostic, therapy and counseling services for cessation of
41 tobacco use, for covered persons who use tobacco products or are
42 being treated for tobacco use, which are furnished by or under the
43 supervision of a physician and are limited to those services
44 recommended in "Treating Tobacco Use and Dependence: A
45 Clinical Practice Guideline," published by the United States Public
46 Health Service in June 2000, or any subsequent modification
47 thereof, and such other services as the United States Secretary of
48 Health and Human Services may recognize as effective for this

A1361 CONAWAY

1 purpose through public written notice.

2 The benefits shall be provided to the same extent as for any other
3 medical condition under the policy.

4 This section shall apply to those policies in which the insurer has
5 reserved the right to change the premium.

6

7 5. An individual health insurance policy that provides hospital
8 and medical expense benefits and is delivered, issued, executed or
9 renewed in this State pursuant to chapter 26 of Title 17B of the New
10 Jersey Statutes, or approved for issuance or renewal in this State by
11 the Commissioner of Banking and Insurance, on or after the
12 effective date of this act, shall provide coverage for expenses
13 incurred for counseling for cessation of tobacco use.

14 As used in this section, "counseling for cessation of tobacco use"
15 means diagnostic, therapy and counseling services for cessation of
16 tobacco use, for covered persons who use tobacco products or are
17 being treated for tobacco use, which are furnished by or under the
18 supervision of a physician and are limited to those services
19 recommended in "Treating Tobacco Use and Dependence: A
20 Clinical Practice Guideline," published by the United States Public
21 Health Service in June 2000, or any subsequent modification
22 thereof, and such other services as the United States Secretary of
23 Health and Human Services may recognize as effective for this
24 purpose through public written notice.

25 The benefits shall be provided to the same extent as for any other
26 medical condition under the policy.

27 This section shall apply to those policies in which the insurer has
28 reserved the right to change the premium.

29

30 6. A health maintenance organization contract that provides
31 health care services and is delivered, issued, executed or renewed in
32 this State pursuant to P.L.1973, c.337 (C.26:2J-1 et seq.), or
33 approved for issuance or renewal in this State by the Commissioner
34 of Banking and Insurance, on or after the effective date of this act,
35 shall provide health care services for counseling for cessation of
36 tobacco use.

37 As used in this section, "counseling for cessation of tobacco use"
38 means diagnostic, therapy and counseling services for cessation of
39 tobacco use, for enrollees who use tobacco products or are being
40 treated for tobacco use, which are furnished by or under the
41 supervision of a physician and are limited to those services
42 recommended in "Treating Tobacco Use and Dependence: A
43 Clinical Practice Guideline," published by the United States Public
44 Health Service in June 2000, or any subsequent modification
45 thereof, and such other services as the United States Secretary of
46 Health and Human Services may recognize as effective for this
47 purpose through public written notice.

48 The health care services shall be provided to the same extent as

1 for any other medical condition under the contract.

2 The provisions of this section shall apply to those contracts for
3 health care services by health maintenance organizations under
4 which the right to change the schedule of charges for enrollee
5 coverage is reserved.

6
7 7. An individual health benefits plan required pursuant to
8 section 3 of P.L.1992, c.161 (C.17B:27A-4) that provides hospital
9 and medical expense benefits and is delivered, issued, executed or
10 renewed in this State, or approved for issuance or renewal in this
11 State, on or after the effective date of this act, shall provide
12 coverage for expenses incurred for counseling for cessation of
13 tobacco use.

14 As used in this section, "counseling for cessation of tobacco use"
15 means diagnostic, therapy and counseling services for cessation of
16 tobacco use, for covered persons who use tobacco products or are
17 being treated for tobacco use, which are furnished by or under the
18 supervision of a physician and are limited to those services
19 recommended in "Treating Tobacco Use and Dependence: A
20 Clinical Practice Guideline," published by the United States Public
21 Health Service in June 2000, or any subsequent modification
22 thereof, and such other services as the United States Secretary of
23 Health and Human Services may recognize as effective for this
24 purpose through public written notice.

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

27 This section shall apply to all individual health benefits plans in
28 which the carrier has reserved the right to change the premium.

29
30 8. A small employer health benefits plan required pursuant to
31 section 3 of P.L.1992, c.162 (C.17B:27A-19) that provides hospital
32 and medical expense benefits and is delivered, issued, executed or
33 renewed in this State, or approved for issuance or renewal in this
34 State, on or after the effective date of this act, shall provide
35 coverage for expenses incurred for counseling for cessation of
36 tobacco use.

37 As used in this section, "counseling for cessation of tobacco use"
38 means diagnostic, therapy and counseling services for cessation of
39 tobacco use, for covered persons who use tobacco products or are
40 being treated for tobacco use, which are furnished by or under the
41 supervision of a physician and are limited to those services
42 recommended in "Treating Tobacco Use and Dependence: A
43 Clinical Practice Guideline," published by the United States Public
44 Health Service in June 2000, or any subsequent modification
45 thereof, and such other services as the United States Secretary of
46 Health and Human Services may recognize as effective for this
47 purpose through public written notice.

48 The benefits shall be provided to the same extent as for any other

1 medical condition under the health benefits plan.

2 This section shall apply to all small employer health benefits
3 plans in which the carrier has reserved the right to change the
4 premium.

5

6 9. This act shall take effect on the 180th day after enactment and
7 shall apply to policies or contracts issued or renewed on or after the
8 effective date.

9

10

11

STATEMENT

12

13 This bill requires health insurers in New Jersey to cover tobacco
14 use cessation services recommended by the Public Health Service in
15 the United States Department of Health and Human Services.

16 The requirements of the bill would apply to hospital, medical and
17 health service corporations, commercial individual, small employer
18 and group health insurers, and health maintenance organizations.

19 The services covered under this bill would include: diagnostic,
20 therapy and counseling services for cessation of tobacco use, for
21 covered persons who use tobacco products or are being treated for
22 tobacco use, which are furnished by or under the supervision of a
23 physician and are limited to those services recommended in
24 "Treating Tobacco Use and Dependence: A Clinical Practice
25 Guideline," published by the Public Health Service in June 2000, or
26 any subsequent modification thereof, and other services recognized
27 by the Secretary of Health and Human Services as effective for this
28 purpose through public written notice.

29 The bill takes effect on the 180th day after enactment and applies
30 to policies and contracts issued or renewed on or after the effective
31 date.

32 Although tobacco use is the leading cause of premature
33 morbidity and mortality in the United States (resulting in over
34 400,000 deaths in this country each year), insurance coverage for
35 cessation services is uncommon. According to the federal Centers
36 for Disease Control and Prevention, the relatively high cost of, and
37 lack of insurance coverage for, effective smoking cessation
38 treatments present some of the most formidable obstacles that low-
39 income smokers face in attempting to quit. There is evidence that
40 providing insurance coverage for cessation programs saves lives
41 and money, and the United States Surgeon General has established
42 the provision of insurance coverage for effective tobacco
43 dependence treatments in all 50 states and the District of Columbia
44 as one of the objectives included in the "Healthy People 2010"
45 initiative.

46 This bill is designed to make this critical health wellness benefit
47 accessible to insured persons in this State who are attempting to
48 free themselves from their dependence on tobacco.