

MAINE STATE LEGISLATURE

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125th MAINE LEGISLATURE

FIRST REGULAR SESSION-2011

Legislative Document

No. 720

H.P. 534

House of Representatives, February 23, 2011

An Act To Mandate Insurance Coverage for Infertility Treatment

Received by the Clerk of the House on February 18, 2011. Referred to the Committee on Insurance and Financial Services pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST
Clerk

Presented by Representative KNIGHT of Livermore Falls. (BY REQUEST)
Cosponsored by Representatives: BEAUDOIN of Biddeford, BECK of Waterville, CUSHING of Hampden, DILL of Cape Elizabeth, GRAHAM of North Yarmouth, WALSH INNES of Yarmouth, RUSSELL of Portland, SHAW of Standish.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 24 MRSA §2320-H** is enacted to read:

3 **§2320-H. Infertility**

4 **1. Definitions.** As used in this section, unless the context otherwise indicates, the
5 following terms have the following meanings.

6 A. "Infertility" means the inability to become pregnant after one year of unprotected
7 sex or the inability to carry a pregnancy to term.

8 B. "Treatment of infertility" means the following procedures provided for the
9 purpose of the treatment of infertility:

10 (1) In vitro fertilization;

11 (2) Uterine embryo lavage;

12 (3) Embryo transfer;

13 (4) Artificial insemination;

14 (5) Gamete intrafallopian transfer;

15 (6) Zygote intrafallopian transfer;

16 (7) Intracytoplasmic sperm injection;

17 (8) Four completed egg retrievals per lifetime; and

18 (9) Low tubal ovum transfer.

19 **2. Required coverage.** All individual and group nonprofit hospital and medical
20 services plan policies, contracts and certificates and all nonprofit health care plan
21 policies, contracts and certificates must provide coverage for the treatment of infertility.
22 A contract, policy or certificate that provides coverage for the services required by this
23 section may contain provisions requiring a 50% or lower copayment by the insured.

24 **3. Limits.** The coverage required by this section is subject to the following
25 conditions:

26 A. The covered individual must be married;

27 B. The covered individual's infertility may not be the result of a sexually transmitted
28 disease;

29 C. The number of embryos implanted may not exceed the number set forth in
30 standards adopted by the American Society for Reproductive Medicine or successor
31 organization as outlined by the Society of Assisted Reproductive Technology or
32 successor organization; and

33 D. The contract, policy or certificate may not include coverage for procedures
34 defined by the American Society for Reproductive Medicine or successor
35 organization as experimental or investigational.

1 **Sec. 2. 24-A MRSA §2745-H** is enacted to read:

2 **§2745-H. Infertility**

3 **1. Definitions.** As used in this section, unless the context otherwise indicates, the
4 following terms have the following meanings.

5 A. "Infertility" means the inability to become pregnant after one year of unprotected
6 sex or the inability to carry a pregnancy to term.

7 B. "Treatment of infertility" means the following procedures provided for the
8 purpose of the treatment of infertility:

9 (1) In vitro fertilization;

10 (2) Uterine embryo lavage;

11 (3) Embryo transfer;

12 (4) Artificial insemination;

13 (5) Gamete intrafallopian transfer;

14 (6) Zygote intrafallopian transfer;

15 (7) Intracytoplasmic sperm injection;

16 (8) Four completed egg retrievals per lifetime; and

17 (9) Low tubal ovum transfer.

18 **2. Required coverage.** All individual insurance policies, contracts and certificates
19 must provide coverage for the treatment of infertility. A contract, policy or certificate
20 that provides coverage for the services required by this section may contain provisions
21 requiring a 50% or lower copayment by the insured.

22 **3. Limits.** The coverage required by this section is subject to the following
23 conditions:

24 A. The covered individual must be married;

25 B. The covered individual's infertility may not be the result of a sexually transmitted
26 disease;

27 C. The number of embryos implanted may not exceed the number set forth in
28 standards adopted by the American Society for Reproductive Medicine or successor
29 organization as outlined by the Society of Assisted Reproductive Technology or
30 successor organization; and

31 D. The contract, policy or certificate may not include coverage for procedures
32 defined by the American Society for Reproductive Medicine or successor
33 organization as experimental or investigational.

34 **Sec. 3. 24-A MRSA §2837-I** is enacted to read:

1 **§2837-I. Infertility**

2 **1. Definitions.** As used in this section, unless the context otherwise indicates, the
3 following terms have the following meanings.

4 A. "Infertility" means the inability to become pregnant after one year of unprotected
5 sex or the inability to carry a pregnancy to term.

6 B. "Treatment of infertility" means the following procedures provided for the
7 purpose of the treatment of infertility:

8 (1) In vitro fertilization;

9 (2) Uterine embryo lavage;

10 (3) Embryo transfer;

11 (4) Artificial insemination;

12 (5) Gamete intrafallopian transfer;

13 (6) Zygote intrafallopian transfer;

14 (7) Intracytoplasmic sperm injection;

15 (8) Four completed egg retrievals per lifetime; and

16 (9) Low tubal ovum transfer.

17 **2. Required coverage.** All group insurance policies, contracts and certificates must
18 provide coverage for the treatment of infertility. A contract, policy or certificate that
19 provides coverage for the services required by this section may contain provisions
20 requiring a 50% or lower copayment by the insured.

21 **3. Limits.** The coverage required by this section is subject to the following
22 conditions:

23 A. The covered individual must be married;

24 B. The covered individual's infertility may not be the result of a sexually transmitted
25 disease;

26 C. The number of embryos implanted may not exceed the number set forth in
27 standards adopted by the American Society for Reproductive Medicine or successor
28 organization as outlined by the Society of Assisted Reproductive Technology or
29 successor organization; and

30 D. The contract, policy or certificate may not include coverage for procedures
31 defined by the American Society for Reproductive Medicine or successor
32 organization as experimental or investigational.

33 **Sec. 4. 24-A MRSA §4234-F is enacted to read:**

34 **§4234-F. Infertility**

35 **1. Definitions.** As used in this section, unless the context otherwise indicates, the
36 following terms have the following meanings.

1 A. "Infertility" means the inability to become pregnant after one year of unprotected
2 sex or the inability to carry a pregnancy to term.

3 B. "Treatment of infertility" means the following procedures provided for the
4 purpose of the treatment of infertility:

5 (1) In vitro fertilization;

6 (2) Uterine embryo lavage;

7 (3) Embryo transfer;

8 (4) Artificial insemination;

9 (5) Gamete intrafallopian transfer;

10 (6) Zygote intrafallopian transfer;

11 (7) Intracytoplasmic sperm injection;

12 (8) Four completed egg retrievals per lifetime; and

13 (9) Low tubal ovum transfer.

14 **2. Required coverage.** All individual and group health maintenance organization
15 contracts, policies and certificates must provide coverage for the treatment of infertility.
16 A contract, policy or certificate that provides coverage for the services required by this
17 section may contain provisions requiring a 50% or lower copayment by the insured.

18 **3. Limits.** The coverage required by this section is subject to the following
19 conditions:

20 A. The covered individual must be married;

21 B. The covered individual's infertility may not be the result of a sexually transmitted
22 disease;

23 C. The number of embryos implanted may not exceed the number set forth in
24 standards adopted by the American Society for Reproductive Medicine or successor
25 organization as outlined by the Society of Assisted Reproductive Technology or
26 successor organization; and

27 D. The contract, policy or certificate may not include coverage for procedures
28 defined by the American Society for Reproductive Medicine or successor
29 organization as experimental or investigational.

30 **Sec. 5. Application.** This Act applies to all policies, contracts and certificates
31 executed, delivered, issued for delivery, continued or renewed in this State on or after
32 January 1, 2012. For purposes of this Act, all contracts are deemed to be renewed no
33 later than the next yearly anniversary of the contract date.

34 SUMMARY

35 This bill requires that health insurance policies include coverage for the treatment of
36 infertility if:

- 1 1. The covered individual is married;
- 2 2. The covered individual's infertility is not the result of a sexually transmitted
- 3 disease; and
- 4 3. The number of embryos implanted does not exceed the number set forth in
- 5 standards adopted by the American Society of Reproductive Medicine or a successor
- 6 organization.
- 7 Under this bill, a policy that provides such coverage may require a 50% or lower
- 8 copayment by the insured.
- 9 This bill applies to all policies in effect on or after January 1, 2012.