

MAINE STATE LEGISLATURE

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127th MAINE LEGISLATURE

FIRST REGULAR SESSION-2015

Legislative Document

No. 943

S.P. 334

In Senate, March 17, 2015

An Act To Provide Access to Infertility Treatment

Reference to the Committee on Insurance and Financial Services suggested and ordered printed.

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

HEATHER J.R. PRIEST
Secretary of the Senate

Presented by Senator MASON of Androscoggin.
Cosponsored by Senators: CUSHING of Penobscot, WHITTEMORE of Somerset,
Representative: 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. Coverage for infertility treatment**

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 rules
30 adopted by the Department of Professional and Financial Regulation, Bureau of
31 Insurance based on standards adopted by a nationally recognized society for
32 reproductive medicine as outlined by a nationally recognized society for assisted
33 reproductive technology; and

34 D. The contract, policy or certificate may not include coverage for procedures
35 defined as experimental or investigational in rules adopted by the Department of

1 Professional and Financial Regulation, Bureau of Insurance based on standards
2 outlined by a nationally recognized society for reproductive medicine.

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

4 **§2745-H. Coverage for infertility treatment**

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

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

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

11 (1) In vitro fertilization;

12 (2) Uterine embryo lavage;

13 (3) Embryo transfer;

14 (4) Artificial insemination;

15 (5) Gamete intrafallopian transfer;

16 (6) Zygote intrafallopian transfer;

17 (7) Intracytoplasmic sperm injection;

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

19 (9) Low tubal ovum transfer.

20 **2. Required coverage.** All individual insurance policies, contracts and certificates
21 must provide coverage for the treatment of infertility. A contract, policy or certificate
22 that provides coverage for the services required by this section may contain provisions
23 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 rules
30 adopted by the bureau based on standards adopted by a nationally recognized society
31 for reproductive medicine as outlined by a nationally recognized society for assisted
32 reproductive technology; and

33 D. The contract, policy or certificate may not include coverage for procedures
34 defined as experimental or investigational in rules adopted by the bureau based on
35 standards outlined by a nationally recognized society for reproductive medicine.

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

1 **§2837-I. Coverage for infertility treatment**

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 rules
27 adopted by the bureau based on standards adopted by a nationally recognized society
28 for reproductive medicine as outlined by a nationally recognized society for assisted
29 reproductive technology; and

30 D. The contract, policy or certificate may not include coverage for procedures
31 defined as experimental or investigational in rules adopted by the bureau based on
32 standards outlined by a nationally recognized society for reproductive medicine.

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

34 **§4234-F. Coverage for infertility treatment**

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 rules
24 adopted by the bureau based on standards adopted by a nationally recognized society
25 for reproductive medicine as outlined by a nationally recognized society for assisted
26 reproductive technology; and

27 D. The contract, policy or certificate may not include coverage for procedures
28 defined as experimental or investigational in rules adopted by the bureau based on
29 standards outline by a nationally recognized society for reproductive medicine.

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, 2016. 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 rules
- 5 adopted by the Department of Professional and Financial Regulation, Bureau of
- 6 Insurance.
- 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, 2016.