

SECOND REGULAR SESSION

# SENATE BILL NO. 1228

91ST GENERAL ASSEMBLY

INTRODUCED BY SENATOR SIMS.

Read 1st time February 27, 2002, and 1,000 copies ordered printed.

TERRY L. SPIELER, Secretary.

4942S.011

## AN ACT

To amend chapter 376, RSMo, by adding thereto one new section relating to insurance coverage for infertility, with a delayed effective date.

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Chapter 376, RSMo, is amended by adding thereto one new section, to be known as section 376.1252, to read as follows:

**376.1252. 1. Each entity offering individual and group health insurance policies providing coverage on an expense-incurred basis, individual and group service or indemnity type contracts issued by a nonprofit corporation, individual and group service contracts issued by a health maintenance organization, all self-insured group arrangements to the extent not preempted by federal law, and all managed health care delivery entities of any type or description, that are delivered, issued for delivery, continued or renewed in this state on or after January 1, 2003, shall provide coverage for medically necessary expenses incurred for medications prescribed for the treatment of infertility. The insurance policy shall also allow a member to purchase additional coverage for the treatment of infertility which shall include, but not be limited to, the following services related to infertility: diagnosis and diagnostic tests; surgery; in vitro fertilization; embryo transfer; artificial insemination; gamete intra fallopian transfer; zygote intra fallopian transfer; intracytoplasmic sperm injection; and four completed egg retrievals per lifetime of the covered person.**

**2. The entity providing coverage may specify that coverage for in vitro fertilization, gamete intra fallopian transfer and zygote intra fallopian transfer shall be limited to a covered person who:**

- (1) Has used all reasonable, less expensive and medically appropriate treatments and is still unable to become pregnant or carry a pregnancy;**
- (2) Has not reached the limit of four completed egg retrievals; and**
- (3) Is forty-five years of age or younger.**

**3. For purposes of this section, "infertility" means the disease or condition that results in the abnormal function of the reproductive system such that a person is not able to: impregnate another person; conceive after two years of unprotected intercourse if the female partner is under thirty-five years of age, or one year of unprotected intercourse if the female partner is thirty-five years of age or older or one of the partners is considered medically sterile; or carry a pregnancy to live birth.**

**4. The benefits required by this section shall be provided to the same extent as for other pregnancy-related procedures under the insurance policy, except that the services provided for in this section shall be performed at facilities that conform to standards established by the American Society for Reproductive Medicine or the American College of Obstetricians and Gynecologists.**

**5. Coverage for infertility treatment required by this section shall not be subject to any greater deductible or co-payment than other similar health care services provided by the policy, contract or plan.**

**6. The provisions of this section shall not apply to a supplemental insurance policy, including a life care contract, accident only policy, specified disease policy, hospital policy providing a fixed daily benefit only, Medicare supplement policy or long-term care policy.**

**7. The procedures required to be covered pursuant to this section are not required to be contained in any policy or plan issued to or by a religious institution or organization or to or by an entity sponsored by a religious institution or organization that finds the procedures required to be covered pursuant to this section to violate its religious and moral teachings and beliefs.**

Section B. This act shall become effective on January 1, 2003, and shall apply to policies or contracts issued or renewed after the effective date of this act.