

SENATE BILL NO. 900

103RD GENERAL ASSEMBLY

INTRODUCED BY SENATOR MCCREERY.

4518S.011

KRISTINA MARTIN, Secretary

AN ACT

To repeal section 1.205, RSMo, and to enact in lieu thereof two new sections relating to assisted reproductive technology.

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

Section A. Section 1.205, RSMo, is repealed and two new
2 sections enacted in lieu thereof, to be known as sections 1.205
3 and 376.1211, to read as follows:

1.205. 1. The general assembly of this state finds
2 that:

3 (1) The life of each human being begins at conception;

4 (2) Unborn children have protectable interests in
5 life, health, and well-being;

6 (3) The natural parents of unborn children have
7 protectable interests in the life, health, and well-being of
8 their unborn child.

9 2. Effective January 1, 1988, the laws of this state
10 shall be interpreted and construed to acknowledge on behalf
11 of the unborn child at every stage of development, all the
12 rights, privileges, and immunities available to other
13 persons, citizens, and residents of this state, subject only
14 to the Constitution of the United States, and decisional
15 interpretations thereof by the United States Supreme Court
16 and specific provisions to the contrary in the statutes and
17 constitution of this state.

18 3. As used in this section, the term "unborn children"
19 or "unborn child" shall include all unborn child or children
20 or the offspring of human beings from the moment of
21 conception until birth at every stage of biological
22 development, **but shall not apply to human embryos created**
23 **through assisted reproductive technology, including, but not**
24 **limited to, in vitro fertilization, prior to successful**
25 **implantation in the uterus.**

26 4. Nothing in this section shall be interpreted as
27 creating a cause of action against a woman for indirectly
28 harming her unborn child by failing to properly care for
29 herself or by failing to follow any particular program of
30 prenatal care.

 376.1211. 1. As used in this section, the following
2 terms shall mean:

3 (1) "Health benefit plan", the same meaning given to
4 the term in section 376.1350;

5 (2) "Infertility", a disease, condition, or status
6 characterized by:

7 (a) The inability to achieve a successful pregnancy
8 based on a patient's medical, sexual, and reproductive
9 history; age; physical findings; diagnostic testing; or any
10 combination thereof;

11 (b) The need for medical intervention, such as the use
12 of donor gametes or donor embryos, to achieve a successful
13 pregnancy either as an individual or with a partner; or

14 (c) An inability to conceive or sustain a successful
15 pregnancy after regular, unprotected sexual intercourse for:

16 a. Twelve months for women under thirty-five years of
17 age; or

18 b. Six months for women thirty-five years of age or
19 older.

20 2. No health benefit plan providing coverage for more
21 than twenty-five employees that provides pregnancy-related
22 benefits shall be delivered, issued for delivery, continued,
23 amended, or renewed in this state on or after January 1,
24 2027, unless the plan includes coverage for the diagnosis
25 and treatment of infertility. Coverage shall include, but
26 is not limited to, in vitro fertilization, embryo transfer,
27 artificial insemination, and medically necessary oocyte
28 cryopreservation for patients undergoing medical treatments
29 known to cause significant impairment of fertility, such as
30 chemotherapy.

31 3. Coverage for in vitro fertilization shall be
32 required under this section only if:

33 (1) The covered individual has been unable to achieve
34 or sustain a successful pregnancy through less costly,
35 medically appropriate infertility treatments covered under
36 the health benefit plan;

37 (2) The covered individual has not undergone four
38 completed oocyte retrievals, except that if a live birth
39 follows a completed oocyte retrieval, two additional oocyte
40 retrievals shall be covered; and

41 (3) The procedures are performed at facilities that
42 conform to the guidelines for in vitro fertilization clinics
43 issued by the American College of Obstetricians and
44 Gynecologists or to the minimal standards for in vitro
45 fertilization programs issued by the American Society for
46 Reproductive Medicine.

47 4. Any individual who meets the requirements for
48 coverage under subsection 2 of this section for any
49 procedure other than in vitro fertilization shall not be
50 required to meet any other conditions for approval of such
51 coverage.

52 5. Coverage for the procedures specified in this
53 section is not required in any health benefit plan issued to
54 or by a religious institution or organization, or to or by
55 an entity sponsored by a religious institution or
56 organization, that finds the procedures to violate its
57 religious and moral teachings and beliefs.

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