

**Senator Luz Escamilla** proposes the following substitute bill:

**EXPANDED INFERTILITY TREATMENT COVERAGE PILOT**

**PROGRAM AMENDMENTS**

2021 GENERAL SESSION

STATE OF UTAH

**Chief Sponsor: Luz Escamilla**

House Sponsor: Candice B. Pierucci

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**LONG TITLE**

**General Description:**

This bill amends the expanded infertility treatment coverage pilot program.

**Highlighted Provisions:**

This bill:

- ▶ defines "qualified assisted reproductive technology cycle";
- ▶ modifies the expanded infertility treatment coverage pilot program by:
  - providing an additional three years of coverage; and
  - providing coverage for each qualified assisted reproductive technology cycle;
- ▶ introduces a reporting requirement to evaluate the expanded infertility treatment

coverage pilot program;

- ▶ extends the repeal date of the expanded infertility treatment coverage pilot program;

and

- ▶ makes technical changes.

**Money Appropriated in this Bill:**

None

**Other Special Clauses:**

None



26 **Utah Code Sections Affected:**

27 AMENDS:

28 **49-20-418**, as enacted by Laws of Utah 2018, Chapter 357

29 **63I-1-249**, as last amended by Laws of Utah 2020, Chapter 98

31 *Be it enacted by the Legislature of the state of Utah:*

32 Section 1. Section **49-20-418** is amended to read:

33 **49-20-418. Expanded infertility treatment coverage pilot program.**

34 (1) As used in this section:

35 (a) "Assisted reproductive technology" means the same as the term is defined in 42

36 ~~[U.S. Code Sec. 26-3a-7a]~~ U.S.C. Sec. 263a-7.

37 (b) "Physician" means the same as the term is defined in Section **58-67-102**.

38 (c) "Pilot program" means the expanded infertility treatment coverage pilot program  
39 described in Subsection (2).

40 (d) "Qualified assisted reproductive technology cycle" means the use of assisted  
41 reproductive technology to transfer a single embryo for implantation.

42 ~~[(d)]~~ (e) "Qualified individual" means a covered individual who is eligible for  
43 maternity benefits under the program.

44 (2) (a) Beginning plan year 2018-19, and ending plan year ~~[2020-21]~~ 2023-24, the  
45 program shall offer a ~~[3-year]~~ pilot program within the state risk pool that provides coverage to  
46 a qualified individual for the use of an assisted reproductive technology.

47 ~~[(b) The]~~ (b) (i) For plan year 2018-19, 2019-20, or 2020-21, the pilot program shall  
48 offer a one-time~~[-lifetime maximum]~~ benefit of \$4,000 toward the costs of using an assisted  
49 reproductive technology for each qualified individual.

50 (ii) For plan year 2021-22, 2022-23, or 2023-24, the pilot program shall offer a benefit  
51 of \$4,000 to a qualified individual toward the costs of each qualified assisted reproductive  
52 technology cycle.

53 (c) The ~~[benefit]~~ benefits described in Subsection (2)(b) ~~[is]~~ are subject to the same  
54 cost sharing requirements as the covered individual's plan.

55 (3) Coverage offered under the pilot program applies if:

56 (a) the patient who will use the assisted reproductive technology is a qualified

57 individual;

58 (b) (i) the patient's physician verifies that the patient or the patient's spouse has a  
59 demonstrated condition recognized by a physician as a cause of infertility; or

60 (ii) the patient attests that the patient is unable to conceive a pregnancy or carry a  
61 pregnancy to a live birth after a year or more of regular sexual relations without contraception;

62 (c) the patient attests that the patient has been unable to attain a successful pregnancy  
63 through any less-costly, potentially effective infertility treatments for which coverage is  
64 available under the health benefit plan; and

65 (d) the use of the assisted reproductive technology procedure is performed at a medical  
66 facility that conforms to the minimal standards for programs of assisted reproductive  
67 technology procedures adopted by the American Society for Reproductive Medicine.

68 (4) Coverage offered under the pilot program:

69 [~~(a) may not exceed \$4,000 over the lifetime of each qualified individual;~~]

70 [~~(b)~~] (a) shall satisfy, in accordance with Subsection 31A-22-610.1(1)(c)(ii), the  
71 requirement to provide an adoption indemnity benefit to a qualified individual under Section  
72 31A-22-610.1; [~~and~~]

73 [~~(c)~~] (b) does not apply to a qualified individual if the qualified individual has received  
74 the adoption indemnity benefit required under Section 31A-22-610.1[-]; and

75 (c) for plan year 2021-22, 2022-23, or 2023-24, shall apply to a qualified individual,  
76 even if the qualified individual received the benefit described in Subsection (2)(b)(i).

77 (5) (a) The purpose of the pilot program is to study the efficacy of providing coverage  
78 for the use of an assisted reproductive technology and is not a mandate for coverage of an  
79 assisted reproductive technology within all health plans offered by the program.

80 (b) Before November 30, 2021, the program shall report to the Social Services  
81 Appropriations Subcommittee regarding the costs and benefits of the pilot program.

82 (c) On or after May 1, 2023, and on or before October 1, 2023, the program shall report  
83 to the Retirement and Independent Entities Interim Committee regarding the costs and benefits  
84 of the pilot program.

85 (6) Under Section 63J-1-603, the Legislature intends that the cost of the pilot program  
86 will be paid from money above the minimum recommended level in the public employees' state  
87 risk pool reserve.

88 Section 2. Section **63I-1-249** is amended to read:

89 **63I-1-249. Repeal dates, Title 49.**

90 (1) Title 49, Chapter 11, Part 13, Phased Retirement, is repealed January 1, 2025.

91 (2) Section **49-20-418** is repealed January 1, [~~2022~~] 2025.