

1           **EXPANDED INFERTILITY TREATMENT COVERAGE PILOT**

2                           **PROGRAM AMENDMENTS**

3                                   2021 GENERAL SESSION

4   STATE OF UTAH

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6 **LONG TITLE**

7 **General Description:**

8           This bill amends the expanded infertility treatment coverage pilot program.

9 **Highlighted Provisions:**

10           This bill:

- 11           ▶ extends the duration of the expanded infertility treatment coverage pilot program;
- 12           ▶ extends the repeal date of the expanded infertility treatment coverage pilot program
- 13                   to January 1, 2027; and
- 14           ▶ introduces a reporting requirement to evaluate the expanded infertility treatment
- 15                   coverage pilot program.

16 **Money Appropriated in this Bill:**

17           None

18 **Other Special Clauses:**

19           None

20 **Utah Code Sections Affected:**

21 AMENDS:

22           **49-20-418**, as enacted by Laws of Utah 2018, Chapter 357

23           **63I-1-249 (Effective 01/01/21)**, as last amended by Laws of Utah 2020, Chapter 98

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

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

27           **49-20-418. Expanded infertility treatment coverage pilot program.**

28           (1) As used in this section:

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

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

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

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

34 (d) "Qualified individual" means a covered individual who is eligible for maternity  
35 benefits under the program.

36 (2) (a) Beginning plan year 2018-19, and ending plan year [~~2020-21~~] 2025-26, the  
37 program shall offer a [~~3-year~~] pilot program within the state risk pool that provides coverage to  
38 a qualified individual for the use of an assisted reproductive technology.

39 (b) The pilot program shall offer a one-time, lifetime maximum benefit of \$4,000  
40 toward the costs of using an assisted reproductive technology for each qualified individual.

41 (c) The benefit described in Subsection (2)(b) is subject to the same cost sharing  
42 requirements as the covered individual's plan.

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

44 (a) the patient who will use the assisted reproductive technology is a qualified  
45 individual;

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

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

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

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

56 (4) Coverage offered under the pilot program:

57 (a) may not exceed \$4,000 over the lifetime of each qualified individual;

58 (b) shall satisfy, in accordance with Subsection 31A-22-610.1(1)(c)(ii), the requirement  
59 to provide an adoption indemnity benefit to a qualified individual under Section 31A-22-610.1;  
60 and

61 (c) does not apply to a qualified individual if the qualified individual has received the  
62 adoption indemnity benefit required under Section 31A-22-610.1.

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

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

68 (c) On or after May 1, 2025, but on or before October 1, 2025, the program shall report  
69 to the Retirement and Independent Entities Interim Committee regarding the costs and benefits  
70 of the pilot program.

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

74 Section 2. Section **63I-1-249 (Effective 01/01/21)** is amended to read:

75 **63I-1-249 (Effective 01/01/21). Repeal dates, Title 49.**

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

77 (2) Section 49-20-418 is repealed January 1, [~~2022~~] 2027.