

Senator Luz Escamilla proposes the following substitute bill:

INFERTILITY INSURANCE COVERAGE PILOT PROGRAM

2018 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Luz Escamilla

House Sponsor: LaVar Christensen

LONG TITLE

General Description:

This bill amends provisions of the Public Employees' Benefit and Insurance Program Act.

Highlighted Provisions:

This bill:

- ▶ requires the Public Employees' Health Plan to create a 3-year pilot program to cover a portion of the cost of using an assisted reproductive technology; and
- ▶ creates a sunset date for the provisions of this bill.

Money Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

63I-1-249, as enacted by Laws of Utah 2016, Chapter 280

ENACTS:

49-20-418, Utah Code Annotated 1953



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

27 Section 1. Section **49-20-418** is enacted to read:

28 **49-20-418. Expanded infertility treatment coverage pilot program.**

29 (1) As used in this section:

30 (a) "Assisted reproductive technology" means the same as the term is defined in 42
31 U.S. Code Sec. [26-3a-7a](#).

32 (b) "Physician" means the same as the term is defined in Section [58-67-102](#).

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

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

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

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

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

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

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

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

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

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

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

- 57 (4) Coverage offered under the pilot program:
58 (a) may not exceed \$4,000 over the lifetime of each qualified individual;
59 (b) shall satisfy, in accordance with Subsection [31A-22-610.1\(1\)\(c\)\(ii\)](#), the requirement
60 to provide an adoption indemnity benefit to a qualified individual under Section [31A-22-610.1](#);
61 and
62 (c) does not apply to a qualified individual if the qualified individual has received the
63 adoption indemnity benefit required under Section [31A-22-610.1](#).
64 (5) (a) The purpose of the pilot program is to study the efficacy of providing coverage
65 for the use of an assisted reproductive technology and is not a mandate for coverage of an
66 assisted reproductive technology within all health plans offered by the program.
67 (b) Before November 30, 2021, the program shall report to the Social Services
68 Appropriations Subcommittee regarding the costs and benefits of the pilot program.
69 (6) Under Section [63J-1-603](#), the Legislature intends that the cost of the pilot program
70 will be paid from money above the minimum recommended level in the public employees' state
71 risk pool reserve.

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

73 **63I-1-249. Repeal dates, Title 49.**

74 (1) Title 49, Chapter 11, Part 13, Phased Retirement, is repealed January 1, 2022.

75 (2) Section [49-20-418](#) is repealed January 1, 2022.