

1                   **EXPANDED INFERTILITY TREATMENT COVERAGE PILOT**  
2                                   **PROGRAM AMENDMENTS**

3   2021 GENERAL SESSION

4   STATE OF UTAH

5                                   **Chief Sponsor: Luz Escamilla**

6                                   House Sponsor: Candice B. Pierucci

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7  
8 **LONG TITLE**

9 **Committee Note:**

10           The Retirement and Independent Entities Interim Committee recommended this bill.

11           Legislative Vote: 14 voting for 0 voting against 1 absent

12 **General Description:**

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

14 **Highlighted Provisions:**

15           This bill:

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

18 to January 1, 2027; and

19           ▶ introduces a reporting requirement to evaluate the expanded infertility treatment  
20 coverage pilot program.

21 **Money Appropriated in this Bill:**

22           None

23 **Other Special Clauses:**

24           None

25 **Utah Code Sections Affected:**

26 AMENDS:

27           **49-20-418**, as enacted by Laws of Utah 2018, Chapter 357



28 **63I-1-249**, as last amended by Laws of Utah 2020, Chapter 98



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

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

32 **49-20-418. Expanded infertility treatment coverage pilot program.**

33 (1) As used in this section:

34 (a) "Assisted reproductive technology" means the same as the term is defined in 42  
35 [~~U.S. Code~~] U.S.C. Sec. 26-3a-7a.

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

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

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

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

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

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

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

49 (a) the patient who will use the assisted reproductive technology is a qualified  
50 individual;

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

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

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

58 (d) the use of the assisted reproductive technology procedure is performed at a medical

59 facility that conforms to the minimal standards for programs of assisted reproductive  
60 technology procedures adopted by the American Society for Reproductive Medicine.

61 (4) Coverage offered under the pilot program:

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

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

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

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

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

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

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

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

80 **63I-1-249. Repeal dates, Title 49.**

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

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