

1 **INFERTILITY TREATMENT COVERAGE AMENDMENTS**

2024 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Luz Escamilla

House Sponsor: Rex P. Shipp

3 **LONG TITLE**

4 **General Description:**

5 This bill modifies provisions related to the expanded infertility treatment coverage health
6 benefit.

7 **Highlighted Provisions:**

8 This bill:

- 9 ▸ eliminates the scheduled repeal of the expanded infertility treatment coverage pilot
- 10 program;
- 11 ▸ makes permanent the benefit for assisted reproductive technology for individuals within
- 12 the state health insurance risk pool; and
- 13 ▸ makes technical and conforming changes.

14 **Money Appropriated in this Bill:**

15 None

16 **Other Special Clauses:**

17 This bill provides a special effective date.

18 **Utah Code Sections Affected:**

19 AMENDS:

20 **49-20-418**, as last amended by Laws of Utah 2021, Chapters 64, 195

21 **63I-1-249**, as last amended by Laws of Utah 2021, Chapter 195

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

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

25 **49-20-418 . Expanded infertility treatment benefit.**

26 (1) As used in this section:

- 27 (a) "Assisted reproductive technology" means the same as the term is defined in 42
- 28 U.S.C. Sec. 263a-7.

- 29 (b) "Physician" means the same as the term is defined in Section 58-67-102.
- 30 [(e) "Pilot program" means the expanded infertility treatment coverage pilot program
31 described in Subsection (2).]
- 32 [(d)] (c) "Qualified assisted reproductive technology cycle" means the use of assisted
33 reproductive technology to transfer a single embryo for implantation.
- 34 [(e)] (d) "Qualified individual" means [a covered] an individual [who is] :
- 35 (i) covered within the state risk pool; and
- 36 (ii) eligible for maternity benefits under the program.
- 37 [(2) (a) Beginning plan year 2018-19, and ending plan year 2023-24, the program shall
38 offer a 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) (i) For plan year 2018-19, 2019-20, or 2020-21, the pilot program shall offer a
41 one-time benefit of \$4,000 toward the costs of using an assisted reproductive technology
42 for each qualified individual.]
- 43 [(ii)] (2) (a) [For plan year 2021-22, 2022-23, or 2023-24, the pilot] The program shall
44 offer a benefit of \$4,000 to a qualified individual toward the costs of each qualified
45 assisted reproductive technology cycle.
- 46 [(e)] (b) [The benefits described in Subsection (2)(b) are] The benefit is subject to the
47 same cost sharing requirements as the [covered] qualified individual's plan.
- 48 (3) [Coverage offered under the pilot program applies if:] A qualified individual shall
49 receive the benefit described in Subsection (2) if:
- 50 (a) the qualified individual is the patient who will use the assisted reproductive
51 technology [is a qualified individual];
- 52 (b) (i) the patient's physician verifies that the patient or the patient's spouse has a
53 demonstrated condition recognized by a physician as a cause of infertility; or
- 54 (ii) the patient attests that the patient is unable to conceive a pregnancy or carry a
55 pregnancy to a live birth after a year or more of regular sexual relations without
56 contraception;
- 57 (c) the patient attests that the patient has been unable to attain a successful pregnancy
58 through any less-costly, potentially effective infertility treatments for which coverage
59 is available under the health benefit plan; and
- 60 (d) the use of the assisted reproductive technology procedure complies with the
61 program's clinical policies and is performed at a medical facility that conforms to the
62 minimal standards for programs of assisted reproductive technology procedures

63 adopted by the American Society for Reproductive Medicine.

64 [~~(4) Coverage offered under the pilot program:~~]

65 (4) (a) The provision of a benefit in accordance with this section shall satisfy, in
 66 accordance with Subsection 31A-22-610.1(1)(c)(ii), the requirement to provide an
 67 adoption indemnity benefit to a qualified individual under Section 31A-22-610.1[~~;~~] .

68 (b) [~~does not apply to a qualified individual if the~~] If a qualified individual has received
 69 the adoption indemnity benefit required under Section 31A-22-610.1[~~;~~and] , the
 70 qualified individual may not receive a benefit in accordance with this section.

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

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

76 [(b) The program shall report to the Retirement and Independent Entities Interim
 77 Committee regarding the costs and benefits of the pilot program:]

78 [(i) on or before October 1; and]

79 [(ii) during calendar years 2022 and 2023.]

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

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

84 **63I-1-249 . Repeal dates: Title 49.**

85 [(4)] Title 49, Chapter 11, Part 13, Phased Retirement, is repealed January 1, 2025.

86 [(2) Section 49-20-418 is repealed January 1, 2025.]

87 Section 3. **Effective date.**

88 This bill takes effect on July 1, 2024.