

1 **INFERTILITY TREATMENT COVERAGE AMENDMENTS**

2 2024 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Luz Escamilla**

5 House Sponsor: Rex P. Shipp

6

7 **LONG TITLE**

8 **Committee Note:**

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

10 Legislative Vote: 11 voting for 0 voting against 4 absent

11 **General Description:**

12 This bill modifies provisions related to the expanded infertility treatment coverage
13 health benefit.

14 **Highlighted Provisions:**

15 This bill:

16 ▶ eliminates the scheduled repeal of the expanded infertility treatment coverage pilot
17 program;

18 ▶ makes permanent the benefit for assisted reproductive technology for individuals
19 within the state health insurance risk pool; and

20 ▶ makes technical and conforming changes.

21 **Money Appropriated in this Bill:**

22 None

23 **Other Special Clauses:**

24 This bill provides a special effective date.

25 **Utah Code Sections Affected:**

26 AMENDS:

27 **49-20-418**, as last amended by Laws of Utah 2021, Chapters 64, 195



28 **63I-1-249**, as last amended by Laws of Utah 2021, Chapter 195



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 benefit.**

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.C. Sec. 263a-7.

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

41 ~~[(e)]~~ (d) "Qualified individual" means ~~[a covered]~~ an individual who is:

42 (i) covered within the state risk pool; and

43 (ii) eligible for maternity benefits under the program.

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

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

50 ~~[(ii) For plan year 2021-22, 2022-23, or 2023-24, the pilot]~~ (2) (a) The program shall
51 offer a benefit of \$4,000 to a qualified individual toward the costs of each qualified assisted
52 reproductive technology cycle.

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

55 (3) ~~[Coverage offered under the pilot program applies if:]~~ A qualified individual shall
56 receive the benefit described in Subsection (2) if:

57 (a) the qualified individual is the patient who will use the assisted reproductive
58 technology ~~[is a qualified individual];~~

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

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

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

66 (d) the use of the assisted reproductive technology procedure complies with the
67 program's clinical policies and is performed at a medical facility that conforms to the minimal
68 standards for programs of assisted reproductive technology procedures adopted by the
69 American Society for Reproductive Medicine.

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

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

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

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

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

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

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

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

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

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

90 **63I-1-249. Repeal dates: Title 49.**

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

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

93 Section 3. **Effective date.**

94 This bill takes effect on July 1, 2024.