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HOUSE FLOOR AMENDMENTS

2022 Regular Session

Amendments proposed by Representative Davis to Engrossed House Bill No. 537 by Representative Davis

1 AMENDMENT NO. 1

2 On page 1, line 3, after "benefits" delete the remainder of the line and delete lines 4 through
 3 6 in their entirety and insert "relative to the diagnosis of and treatment for infertility; to
 4 provide for legislative findings; to require coverage for services and benefits relative to
 5 standard fertility preservation services; to require patients to meet certain conditions; to
 6 provide for exemptions; to prohibit coverage limitations; to provide for definitions; to
 7 provide for effectiveness; and to provide for relative matters."

8 AMENDMENT NO. 2

9 On page 1, line 9, after "§1036.1." delete the remainder of the line and insert "Legislative
 10 findings; required coverage for infertility treatments; in"

11 AMENDMENT NO. 3

12 On page 1, line 11, after "exemptions" and insert a semicolon ";" and "limitations of
 13 coverage prohibited; definitions"

14 AMENDMENT NO. 4

15 On page 1, between lines 11 and 12, insert the following:

16 "A.(1) The legislature hereby finds and declares that over twelve percent of
 17 women of reproductive age in the United States have difficulty becoming pregnant
 18 or staying pregnant. The cause of infertility is evenly divided between women and
 19 men, and approximately one-third of cases are unexplained or involve both partners
 20 being diagnosed. Approximately nine percent of cancer patients are diagnosed in or
 21 prior to their reproductive years and face treatments that can impair their fertility.

22 (2) The legislature further finds and declares that increasing accessibility for
 23 infertility treatments will expand the state's healthcare services and improve the
 24 short- and long-term health outcomes for the resulting children and mothers, which
 25 may also reduce healthcare costs by reducing adverse outcomes. By providing
 26 services to diagnose and treat infertility, Louisiana will retain existing young
 27 families and attract potential new residents."

28 AMENDMENT NO. 5

29 On page 1, at the beginning of line 12, change "A." to "B.(1)"

30 AMENDMENT NO. 6

31 On page 1, line 14, after "coverage for" delete the remainder of the line and insert "the
 32 diagnosis of and treatment for infertility and"

1 AMENDMENT NO. 7

2 On page 1, delete line 15 in its entirety and on line 16, delete "fertilization procedures, or"

3 AMENDMENT NO. 8

4 On page 1, delete line 19 in its entirety and insert the following:

5 "(2) Benefits required pursuant to this"

6 AMENDMENT NO. 9

7 On page 1, line 20, delete "provided to" and insert "provided to covered spouses and covered
8 non-spouse dependents to"

9 AMENDMENT NO. 10

10 Delete page 2 in its entirety and insert the following:

11 "C.(1) In vitro fertilization procedures. The coverage required pursuant to
12 this Section includes all of the following:

13 (a) A minimum of one completed oocyte retrieval and unlimited embryo
14 transfers, in accordance with the guidelines of the American Society for
15 Reproductive Medicine, using single embryo transfers when recommended and
16 medically appropriate.

17 (b) Sperm collection, banking, and analysis of up to three specimens.

18 (c) Oophorectomy and cryopreservation of ovarian tissue.

19 (2) In vitro fertilization procedures consisting of oocyte retrievals and
20 embryo transfers shall be performed by a licensed physician who has successfully
21 completed a residency in obstetrics and gynecology and a licensed fellowship
22 through the American College of Obstetricians and Gynecologists in Reproductive
23 Endocrinology and Infertility.

24 (3) The procedures described in Subparagraphs (C)(1)(b) and (c) of this
25 Subsection shall be in accordance with the guidelines of the American College of
26 Obstetricians and Gynecologists or the American Society for Reproductive
27 Medicine, when indicated."

28 AMENDMENT NO. 11

29 On page 3, delete line 1 in its entirety and insert the following:

30 "D.(1) Standard fertility preservation services. A patient is"

31 AMENDMENT NO. 12

32 On page 3, delete lines 7 through 9 in their entirety and insert the following:

33 "(2) For purposes of this Subsection, standard fertility preservation services
34 include all the following:

35 (a) The insured's consultation.

36 (b) Gamete collection including but not limited to all of the following:

- 1 (i) Sperm banking and analysis or sperm retrieval.
- 2 (ii) Ovulation induction including all medications, ultrasounds, and tests of
- 3 blood.
- 4 (iii) Surgical removal of ovarian tissue.
- 5 (c) Cryopreservation including but not limited to all of the following:
- 6 (i) Freezing of sperm.
- 7 (ii) Freezing of eggs.
- 8 (iii) Freezing of embryos including the processes of fertilizing the eggs and
- 9 monitoring development.
- 10 (iv) Freezing ovarian tissue including proper preparation of tissue."

11 AMENDMENT NO. 13

12 On page 3, at the beginning of line 10, change "F." to "E."

13 AMENDMENT NO. 14

14 On page 3, after line 16, add the following:

15 "F. For purposes of this Section, a health coverage plan shall not impose any

16 exclusions, limitations, or other restrictions on coverage of fertility medications that

17 are different from those imposed on any other prescription medications; nor any

18 exclusions, limitations, or other restrictions on coverage of any fertility services

19 based on a covered individual's participation in fertility services provided by or to

20 a third party; nor any deductibles, copayments, coinsurance, benefit maximums, or

21 waiting periods; nor any other limitations on coverage for the diagnosis of and

22 treatment for infertility or standard fertility preservation services that are different

23 from those imposed upon benefits for services not related to infertility.

24 G. For purposes of this Section, the following terms apply:

25 (1) "Diagnosis of and treatment for infertility" means the recommended

26 procedures and medications from the direction of a licensed physician that are

27 consistent with established, published, or approved medical practices or professional

28 guidelines from the American College of Obstetricians and Gynecologists or the

29 American Society for Reproductive Medicine.

30 (2) "Health coverage plan" means any hospital, health, or medical expense

31 insurance policy, hospital or medical service contract, employee welfare benefit plan,

32 contract or agreement with a health maintenance organization or a preferred provider

33 organization, health and accident insurance policy, or any other insurance contract

34 of this type. "Health coverage plan" does not include a plan providing coverage for

35 excepted benefits as defined in R.S. 22:1061, limited benefit health insurance plans,

36 short-term policies that have a term of less than twelve months, nor any plan offered

37 through the office of group benefits.

38 (3) "Infertility" means any of the following:

39 (a) The failure to establish a pregnancy or carry a pregnancy to live birth

40 after regular, unprotected sexual intercourse.

1 (b) A person's inability to reproduce either as an individual or with a partner
2 without medical intervention.

3 (c) A licensed physician's findings based on a patient's medical, sexual and
4 reproductive history, age, physical findings, or diagnostic testing.

5 (4) "Regular, unprotected sexual intercourse" means no more than twelve
6 months of unprotected sexual intercourse for a woman under thirty-five years of age
7 or no more than six months of unprotected sexual intercourse for a woman thirty-five
8 years of age or older. For purposes of this Paragraph, pregnancy resulting in
9 miscarriage does not restart the twelve-month or six-month time period to qualify as
10 having infertility.

11 (5) "Standard fertility preservation services" means procedures that are
12 consistent with established medical practices or professional guidelines published by
13 the American Society for Reproductive Medicine or the American Society of
14 Clinical Oncology for a person, male or female, who has a medical condition or is
15 expected to undergo medication therapy, surgery, radiation, chemotherapy, or other
16 medical treatment that is recognized by medical professionals to cause a risk of
17 impairment to fertility.

18 Section 2. This Act shall be known and may be cited as "The Louisiana Building
19 Families Act".

20 Section 3. The provisions of this Act are severable. If any provision of this Act or
21 the application thereof is held invalid, such invalidity shall not affect other provisions of the
22 Act which can be given effect without the invalid provisions.

23 Section 4.(A) This Act shall become effective on January 1, 2024.

24 (B) This Act shall apply to any new policy, contract, or health coverage plan issued,
25 delivered, amended, or renewed in this state on or after January 1, 2023.