

SENATE No. 449

The Commonwealth of Massachusetts

PRESENTED BY:

Brian A. Joyce, (BY REQUEST)

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act relative to in vitro fertilization for the purposes of genetic testing.

PETITION OF:

NAME:

Brian A. Joyce

DISTRICT/ADDRESS:

Norfolk, Bristol and Plymouth

SENATE No. 449

By Mr. Joyce (by request), a petition (accompanied by bill, Senate, No. 449) of Brian A. Joyce for legislation relative to in vitro fertilization for the purposes of genetic testing. Financial Services.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE
□ SENATE
□ , NO. 430 OF 2011-2012.]

The Commonwealth of Massachusetts

In the Year Two Thousand Thirteen

An Act relative to in vitro fertilization for the purposes of genetic testing.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 175 of the General Laws, is hereby amended by striking out section
2 47H, as appearing in the 2010 Official Edition, and inserting in place thereof the following
3 section:-

4 Section 47H. Infertility, pregnancy-related benefits.

5 (a) Any blanket or general policy of insurance, except a blanket or general policy of
6 insurance which provides supplemental coverage to medicare or other governmental programs,
7 described in subdivisions (A), (C) or (D) of section 110 of this chapter, which provides hospital
8 expense or surgical expense insurance which includes pregnancy-related benefits and which is
9 issued or subsequently renewed by agreement between the insurer and the policyholder, within
10 or without the commonwealth, while this provision is effective, or any policy of accident and
11 sickness insurance as described in section 108 of this chapter which provides hospital expense or
12 surgical expense insurance which includes pregnancy-related benefits and which is delivered or
13 issued for delivery or subsequently renewed by agreement between the insurer and the
14 policyholder in the commonwealth while this provision is effective, or any employees' health and
15 welfare fund which provides hospital expense and surgical expense benefits which includes
16 pregnancy-related benefits and which is promulgated or renewed to any person or group of

17 persons in the commonwealth while this provision is effective shall provide, to the same extent
18 that benefits are provided for other pregnancy-related procedures, coverage for the medically
19 necessary expenses of diagnosis and treatment of infertility to persons residing within the
20 commonwealth.

21 (b) For purposes of this section, “infertility” shall mean the condition of:

22 (1) an individual who is either unable to conceive or produce conception during a
23 period of 1 year if the female is age 35 or younger or during a period of 6 months if the female is
24 over the age of 35. For purposes of meeting the criteria for infertility in this section, if a person
25 conceives but is unable to carry that pregnancy to live birth, the period of time she attempted to
26 conceive prior to achieving that pregnancy shall be included in the calculation of the 1 year or 6
27 month period, as applicable; or

28 (2) any of the following:

29 (i) both partners are known carriers of the same single gene autosomal
30 recessive gene disorder;

31 (ii) one or both partners are known carriers of a single gene autosomal
32 dominant gene disorder; or

33 (iii) one or both partners are known carriers of a single X-linked disorder.

34 SECTION 2. Chapter 176A of the General Laws, is hereby amended by striking out
35 section 8K, as appearing in the 2010 Official Edition, and inserting in place thereof the
36 following section:-

37 Section 8K. Infertility diagnosis and treatment benefits.

38 (a) Any contract, except contracts providing supplemental coverage to medicare or other
39 governmental programs, between a subscriber and the corporation under an individual or group
40 hospital service plan which is delivered, issued for delivery or renewed in the commonwealth
41 while this provision is effective and which provides pregnancy-related benefits shall provide as a
42 benefit for all individual subscribers or members within the commonwealth and all group
43 members having a principal place of employment within the commonwealth, to the same extent
44 that benefits are provided for other pregnancy-related procedures, coverage for medically
45 necessary expenses of diagnosis and treatment of infertility. Said infertility benefits shall meet all
46 other terms and conditions of the subscriber certificate.

47 (b) For purposes of this section, “infertility” shall mean the condition of:

48 (1) an individual who is either unable to conceive or produce conception during a
49 period of 1 year if the female is age 35 or younger or during a period of 6 months if the female is
50 over the age of 35. For purposes of meeting the criteria for infertility in this section, if a person

51 conceives but is unable to carry that pregnancy to live birth, the period of time she attempted to
52 conceive prior to achieving that pregnancy shall be included in the calculation of the 1 year or 6
53 month period, as applicable; or

54 (2) any of the following:

55 (i) both partners are known carriers of the same single gene autosomal
56 recessive gene disorder;

57 (ii) one or both partners are known carriers of a single gene autosomal
58 dominant gene disorder; or

59 (iii) one or both partners are known carriers of a single X-linked disorder.

60 SECTION 3. Chapter 176B of the General Laws, is hereby amended by striking out
61 section 4J, as appearing in the 2010 Official Edition, and inserting in place thereof the following
62 section:-

63 Section 4J. Infertility diagnosis and treatment benefits.

64 (a) Any subscription certificate under an individual or group medical service
65 agreement, except certificates which provide supplemental coverage to medicare or other
66 governmental programs, which is delivered, issued for delivery or renewed in the commonwealth
67 while this section is effective shall provide as a benefit for all individual subscribers or members
68 within the commonwealth and all group members having a principal place of employment within
69 the commonwealth, to the same extent that benefits are provided for other pregnancy-related
70 procedures and subject to the other terms and conditions of the subscription certificate, coverage
71 for medically necessary expenses of diagnosis and treatment of infertility. Said infertility
72 benefits shall meet all other terms and conditions of the subscription certificate. (b) For
73 purposes of this section, "infertility" shall mean the condition of:

74 (1) an individual who is either unable to conceive or produce conception during a
75 period of 1 year if the female is age 35 or younger or during a period of 6 months if the female is
76 over the age of 35. For purposes of meeting the criteria for infertility in this section, if a person
77 conceives but is unable to carry that pregnancy to live birth, the period of time she attempted to
78 conceive prior to achieving that pregnancy shall be included in the calculation of the 1 year or 6
79 month period, as applicable; or

80 (2) any of the following:

81 (i) both partners are known carriers of the same single gene autosomal
82 recessive gene disorder;

83 (ii) one or both partners are known carriers of a single gene autosomal
84 dominant gene disorder; or

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(iii) one or both partners are known carriers of a single X-linked disorder.

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SECTION 4. This act shall take effect upon passage.