

HOUSE BILL No. 1059

DIGEST OF INTRODUCED BILL

Citations Affected: IC 27-8-35; IC 27-13-7-24.

Synopsis: Coverage for in vitro fertilization. Requires an insurer that issues a group accident and sickness insurance policy, and a health maintenance organization that enters into a group contract, that provides pregnancy related coverage to offer to the group sponsor certain coverage for in vitro fertilization procedures. Provides a religious exemption.

Effective: July 1, 2017.

Shackleford

January 4, 2017, read first time and referred to Committee on Insurance.



First Regular Session of the 120th General Assembly (2017)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2016 Regular Session of the General Assembly.

HOUSE BILL No. 1059

A BILL FOR AN ACT to amend the Indiana Code concerning insurance.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 27-8-35 IS ADDED TO THE INDIANA CODE AS
2 A **NEW** CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2017]:

4 **Chapter 35. Coverage for In Vitro Fertilization Procedures**

5 **Sec. 1. This chapter does not apply to an insurer that:**

- 6 (1) issues a group accident and sickness insurance policy; and
- 7 (2) is owned by, or is part of, an entity, organization, or order
- 8 that is directly affiliated with a bona fide religious
- 9 denomination that includes as an integral part of the
- 10 denomination's beliefs and practices that in vitro fertilization
- 11 is contrary to moral principles that the denomination
- 12 considers to be an essential part of the denomination's beliefs.

13 **Sec. 2. As used in this chapter, "accident and sickness insurance**
14 **policy" has the meaning set forth in IC 27-8-5-27.**

15 **Sec. 3. (a) An insurer that issues a group accident and sickness**
16 **insurance policy that provides pregnancy related coverage shall**
17 **offer to the group sponsor coverage for outpatient expenses arising**



1 from an in vitro fertilization procedure.

2 (b) The coverage that must be offered under subsection (a)
3 applies only when:

4 (1) the procedure is performed on a patient who is an insured;

5 (2) fertilization of the patient's oocyte is performed or
6 attempted only with the sperm of the patient's spouse;

7 (3) the patient and the patient's spouse have:

8 (A) at least five (5) continuous years of infertility history;
9 or

10 (B) infertility that is associated with:

11 (i) endometriosis;

12 (ii) exposure in utero to diethylstilbestrol;

13 (iii) blockage of or surgical removal of one (1) or both
14 fallopian tubes; or

15 (iv) oligospermia;

16 (4) the patient has been unable to attain a successful
17 pregnancy through a less costly infertility treatment for which
18 coverage is available under the accident and sickness
19 insurance policy; and

20 (5) the in vitro fertilization procedure is performed at a
21 medical facility that conforms to the minimal standards for
22 programs of in vitro fertilization adopted by the American
23 Society for Reproductive Medicine.

24 (c) A group sponsor's rejection of an offer under subsection (a)
25 must be in writing.

26 Sec. 4. The coverage that must be offered under this chapter
27 may not be subject to deductibles, copayments, or coinsurance
28 provisions that are more restrictive than the deductibles,
29 copayments, or coinsurance provisions that apply to pregnancy
30 related coverage generally under the accident and sickness
31 insurance policy.

32 SECTION 2. IC 27-13-7-24 IS ADDED TO THE INDIANA CODE
33 AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
34 1, 2017]: Sec. 24. (a) This section does not apply to a health
35 maintenance organization that:

36 (1) enters into a group contract; and

37 (2) is owned by, or is part of, an entity, organization, or order
38 that is directly affiliated with a bona fide religious
39 denomination that includes as an integral part of the
40 denomination's beliefs and practices that in vitro fertilization
41 is contrary to moral principles that the denomination
42 considers to be an essential part of the denomination's beliefs.



1 **(b) A health maintenance organization that enters into a group**
2 **contract that provides pregnancy related coverage shall offer to the**
3 **group sponsor coverage for outpatient expenses arising from an in**
4 **vitro fertilization procedure.**

5 **(c) The coverage that must be offered under subsection (b)**
6 **applies only when:**

7 **(1) the procedure is performed on a patient who is an**
8 **enrollee;**

9 **(2) fertilization of the patient's oocyte is performed or**
10 **attempted only with the sperm of the patient's spouse;**

11 **(3) the patient and the patient's spouse have:**

12 **(A) at least five (5) continuous years of infertility history;**
13 **or**

14 **(B) infertility that is associated with:**

15 **(i) endometriosis;**

16 **(ii) exposure in utero to diethylstilbestrol;**

17 **(iii) blockage of or surgical removal of one (1) or both**
18 **fallopian tubes; or**

19 **(iv) oligospermia;**

20 **(4) the patient has been unable to attain a successful**
21 **pregnancy through a less costly infertility treatment for which**
22 **coverage is available under the group contract; and**

23 **(5) the in vitro fertilization procedure is performed at a**
24 **medical facility that conforms to the minimal standards for**
25 **programs of in vitro fertilization adopted by the American**
26 **Society for Reproductive Medicine.**

27 **(d) A group sponsor's rejection of an offer under subsection (b)**
28 **must be in writing.**

29 **(e) The coverage that must be offered under this chapter may**
30 **not be subject to deductibles, copayments, or coinsurance**
31 **provisions that are more restrictive than the deductibles,**
32 **copayments, or coinsurance provisions that apply to pregnancy**
33 **related coverage generally under the group contract.**

