

HOUSE No. 1104

The Commonwealth of Massachusetts

PRESENTED BY:

Kenneth I. Gordon

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 adoption of the accompanying bill:

An Act further mandating infertility insurance coverage.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Kenneth I. Gordon</i>	<i>21st Middlesex</i>	<i>2/16/2021</i>
<i>Lindsay N. Sabadosa</i>	<i>1st Hampshire</i>	<i>2/25/2021</i>

HOUSE No. 1104

By Mr. Gordon of Bedford, a petition (accompanied by bill, House, No. 1104) of Kenneth I. Gordon and Lindsay N. Sabadosa relative to mandating infertility insurance coverage. Financial Services.

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Second General Court
(2021-2022)**

An Act further mandating infertility insurance coverage.

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 46 of the General Laws is hereby amended by striking out section
2 4B, as appearing in the 2018 Official Edition, and inserting in place thereof the following
3 section:-

4
5 Section 4B. Any child born to a married individual as a result of artificial insemination
6 with the consent of their spouse, shall be considered the legitimate child of the parent and such
7 spouse.

8
9 SECTION 2. Section 47H of chapter 175 of the General Laws, as so appearing, is hereby
10 amended by striking out the last 2 sentences and inserting in place thereof the following 3
11 sentences:- For purposes of this section, “infertility” shall mean (i) the condition of an individual

12 who is unable to conceive or produce conception during a period of 1 year if the individual is age
13 35 or younger or during a period of 6 months if the individual is over the age of 35; (ii) the
14 condition of an individual who is unable to conceive after 12 failed attempts of intrauterine
15 insemination under medical supervision if the individual is age 35 or younger or after 6 failed
16 attempts of intrauterine insemination under medical supervision if the individual is over the age
17 of 35; or (iii) the presence of a demonstrated condition recognized by a licensed physician and
18 surgeon as a cause of infertility. For purposes of meeting the criteria for infertility in this section,
19 if a person conceives but is unable to carry that pregnancy to live birth, the period of time they
20 attempted to conceive prior to achieving pregnancy shall be included in the calculation of the 1
21 year or 6 month period, as applicable.

22

23 No insurer providing coverage pursuant to this section shall discriminate based on an
24 individual's expected length of life, present or predicted disability, degree of medical
25 dependency, perceived quality of life or other health conditions, nor on the basis of age, race,
26 color, religious creed, national origin, sex, sexual orientation, marital status or gender identity.

27

28 SECTION 3. Section 8K of chapter 176A of the General Laws, as so appearing, is hereby
29 amended by striking out the last 2 sentences and inserting in place thereof the following 3
30 sentences:- For purposes of this section, "infertility" shall mean (i) the condition of an individual
31 who is unable to conceive or produce conception during a period of 1 year if the individual is age
32 35 or younger or during a period of 6 months if the individual is over the age of 35; (ii) the
33 condition of an individual who is unable to conceive after 12 failed attempts of intrauterine

34 insemination under medical supervision if the individual is age 35 or younger or after 6 failed
35 attempts of intrauterine insemination under medical supervision if the individual is over the age
36 of 35; or (iii) the presence of a demonstrated condition recognized by a licensed physician and
37 surgeon as a cause of infertility. For purposes of meeting the criteria for infertility in this section,
38 if a person conceives but is unable to carry that pregnancy to live birth, the period of time they
39 attempted to conceive prior to achieving pregnancy shall be included in the calculation of the 1
40 year or 6 month period, as applicable.

41

42 No contract providing coverage pursuant to this section shall discriminate based on an
43 individual's expected length of life, present or predicted disability, degree of medical
44 dependency, perceived quality of life or other health conditions, nor on the basis of age, race,
45 color, religious creed, national origin, sex, sexual orientation, marital status or gender identity.

46

47 SECTION 4. Section 4J of chapter 176B of the General Laws, as so appearing, is hereby
48 amended by striking out the last 2 sentences and inserting in place thereof the following 3
49 sentences:- For purposes of this section, "infertility" shall mean (i) the condition of an individual
50 who is unable to conceive or produce conception during a period of 1 year if the individual is age
51 35 or younger or during a period of 6 months if the individual is over the age of 35; (ii) the
52 condition of an individual who is unable to conceive after 12 failed attempts of intrauterine
53 insemination under medical supervision if the individual is age 35 or younger or after 6 failed
54 attempts of intrauterine insemination under medical supervision if the individual is over the age
55 of 35; or (iii) the presence of a demonstrated condition recognized by a licensed physician and

56 surgeon as a cause of infertility. For purposes of meeting the criteria for infertility in this section,
57 if a person conceives but is unable to carry that pregnancy to live birth, the period of time they
58 attempted to conceive prior to achieving pregnancy shall be included in the calculation of the 1
59 year or 6 month period, as applicable.

60 No subscription certificate providing coverage pursuant to this section shall discriminate
61 based on an individual's expected length of life, present or predicted disability, degree of
62 medical dependency, perceived quality of life or other health conditions, nor on the basis of age,
63 race, color, religious creed, national origin, sex, sexual orientation, marital status or gender
64 identity.