

**SENATE . . . . . No. 00430**

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The Commonwealth of Massachusetts

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PRESENTED BY:

***Brian A. Joyce, (BY REQUEST)***

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*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:

*Andres Lessing*

DISTRICT/ADDRESS:

*60 Parkton Road,*

*Boston, MA*

**SENATE . . . . . No. 00430**

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By Mr. Joyce, petition (accompanied by bill, Senate, No. 430) of [petitioners] for legislation relative to in vitro fertilization for the purposes of genetic testing [Joint Committee on Financial Services].

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The Commonwealth of Massachusetts

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**In the Year Two Thousand Eleven**  
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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           SECTION1. Section 47H of Chapter 175 of the General Laws is hereby amended by  
2 striking out the paragraph in its entirety and replacing it with the following paragraph:-  
3           “Section 47H.   Section 47H. Any blanket or general policy of insurance, except a  
4 blanket or general policy of insurance which provides supplemental coverage to medicare or  
5 other governmental programs, described in subdivisions (A), (C) or (D) of section one hundred  
6 and ten which provides hospital expense or surgical expense insurance which includes  
7 pregnancy-related benefits and which is issued or subsequently renewed by agreement between  
8 the insurer and the policyholder, within or without the commonwealth, while this provision is  
9 effective, or any policy of accident and sickness insurance as described in section one hundred  
10 and eight which provides hospital expense or surgical expense insurance which includes  
11 pregnancy-related benefits and which is delivered or issued for delivery or subsequently renewed

12 by agreement between the insurer and the policyholder in the commonwealth while this  
13 provision is effective, or any employees' health and welfare fund which provides hospital  
14 expense and surgical expense benefits which includes pregnancy-related benefits and which is  
15 promulgated or renewed to any person or group of persons in the commonwealth while this  
16 provision is effective shall provide, to the same extent that benefits are provided for other  
17 pregnancy-related procedures, coverage for medically necessary expenses of diagnosis and  
18 treatment of infertility to persons residing within the commonwealth. For purposes of this  
19 section, "infertility" shall mean the condition of A) an individual who is either unable to conceive  
20 or produce conception during a period of 1 year if the female is age 35 or younger or during a  
21 period of 6 months if the female is over the age of 35. For purposes of meeting the criteria for  
22 infertility in this section, if a person conceives but is unable to carry that pregnancy to live birth,  
23 the period of time she attempted to conceive prior to achieving that pregnancy shall be included  
24 in the calculation of the 1 year or 6 month period, as applicable or B) any of the following: if 1)  
25 both partners are known carriers of the same single gene autosomal recessive gene disorder or 2)  
26 one or both partners are known carriers of a single gene autosomal dominant gene disorder or 3)  
27 one or both partners are known carriers of a single X-linked disorder.

28 SECTION 2. Section 8K of Chapter 176A of the General Laws is hereby amended by  
29 striking out the paragraph in its entirety and replacing it with the following paragraph:-

30 "Section 8K. Any contract, except contracts providing supplemental coverage to  
31 medicare or other governmental programs, between a subscriber and the corporation under an  
32 individual or group hospital service plan which is delivered, issued for delivery or renewed in the  
33 commonwealth while this provision is effective and which provides pregnancy-related benefits  
34 shall provide as a benefit for all individual subscribers or members within the commonwealth

35 and all group members having a principal place of employment within the commonwealth, to the  
36 same extent that benefits are provided for other pregnancy-related procedures, coverage for  
37 medically necessary expenses of diagnosis and treatment of infertility. Said infertility benefits  
38 shall meet all other terms and conditions of the subscriber certificate. For purposes of this  
39 section, "infertility" shall mean the condition of A) an individual who is either unable to conceive  
40 or produce conception during a period of 1 year if the female is age 35 or younger or during a  
41 period of 6 months if the female is over the age of 35. For purposes of meeting the criteria for  
42 infertility in this section, if a person conceives but is unable to carry that pregnancy to live birth,  
43 the period of time she attempted to conceive prior to achieving that pregnancy shall be included  
44 in the calculation of the 1 year or 6 month period, as applicable or B) any of the following: if 1)  
45 both partners are known carriers of the same single gene autosomal recessive gene disorder or 2)  
46 one or both partners are known carriers of a single gene autosomal dominant gene disorder or 3)  
47 one or both partners are known carriers of a single X-linked disorder.

48 SECTION 3. Section 4J of Chapter 176B of the General Laws is hereby amended by  
49 striking out the paragraph in its entirety and replacing it with the following paragraph:-

50 "Section 4J. Any subscription certificate under an individual or group medical service  
51 agreement, except certificates which provide supplemental coverage to medicare or other  
52 governmental programs, which is delivered, issued for delivery or renewed in the commonwealth  
53 while this section is effective shall provide as a benefit for all individual subscribers or members  
54 within the commonwealth and all group members having a principal place of employment within  
55 the commonwealth, to the same extent that benefits are provided for other pregnancy-related  
56 procedures and subject to the other terms and conditions of the subscription certificate, coverage  
57 for medically necessary expenses of diagnosis and treatment of infertility. Said infertility

58 benefits shall meet all other terms and conditions of the subscription certificate. For purposes of  
59 this section, "infertility" shall mean the condition of A) an individual who is either unable to  
60 conceive or produce conception during a period of 1 year if the female is age 35 or younger or  
61 during a period of 6 months if the female is over the age of 35. For purposes of meeting the  
62 criteria for infertility in this section, if a person conceives but is unable to carry that pregnancy to  
63 live birth, the period of time she attempted to conceive prior to achieving that pregnancy shall be  
64 included in the calculation of the 1 year or 6 month period, as applicable or B) any of the  
65 following: if 1) both partners are known carriers of the same single gene autosomal recessive  
66 gene disorder or 2) one or both partners are known carriers of a single gene autosomal dominant  
67 gene disorder or 3) one or both partners are known carriers of a single X-linked disorder.

68           SECTION 4. This act shall take effect upon passage.