

**HOUSE . . . . . No. 1029**

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**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 relative to infertility insurance coverage.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	DATE ADDED:
<i>Kenneth I. Gordon</i>	<i>21st Middlesex</i>	<i>1/20/2023</i>
<i>Lindsay N. Sabadosa</i>	<i>1st Hampshire</i>	<i>1/23/2023</i>

**HOUSE . . . . . No. 1029**

By Representative Gordon of Bedford, a petition (accompanied by bill, House, No. 1029) of Kenneth I. Gordon and Lindsay N. Sabadosa relative to mandating infertility insurance coverage. Financial Services.

[SIMILAR MATTER FILED IN PREVIOUS SESSION  
SEE HOUSE, NO. 1104 OF 2021-2022.]

**The Commonwealth of Massachusetts**

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**In the One Hundred and Ninety-Third General Court  
(2023-2024)**  
\_\_\_\_\_

An Act relative to 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 2020 Official Edition, and inserting in place thereof the following  
3 section:-

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

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

10 who is unable to conceive or produce conception during a period of 1 year if the individual is age  
11 35 or younger or during a period of 6 months if the individual is over the age of 35; (ii) the  
12 condition of an individual who is unable to conceive after 12 failed attempts of intrauterine  
13 insemination under medical supervision if the individual is age 35 or younger or after 6 failed  
14 attempts of intrauterine insemination under medical supervision if the individual is over the age  
15 of 35; or (iii) the presence of a demonstrated condition recognized by a licensed physician and  
16 surgeon as a cause of infertility. For purposes of meeting the criteria for infertility in this section,  
17 if a person conceives but is unable to carry that pregnancy to live birth, the period of time they  
18 attempted to conceive prior to achieving pregnancy shall be included in the calculation of the 1  
19 year or 6 month period, as applicable.

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

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

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

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

41 SECTION 4. Section 4J of chapter 176B of the General Laws, as so appearing, is hereby  
42 amended by striking out the last 2 sentences and inserting in place thereof the following 3  
43 sentences:- For purposes of this section, "infertility" shall mean (i) the condition of an individual  
44 who is unable to conceive or produce conception during a period of 1 year if the individual is age  
45 35 or younger or during a period of 6 months if the individual is over the age of 35; (ii) the  
46 condition of an individual who is unable to conceive after 12 failed attempts of intrauterine  
47 insemination under medical supervision if the individual is age 35 or younger or after 6 failed  
48 attempts of intrauterine insemination under medical supervision if the individual is over the age  
49 of 35; or (iii) the presence of a demonstrated condition recognized by a licensed physician and  
50 surgeon as a cause of infertility. For purposes of meeting the criteria for infertility in this section,  
51 if a person conceives but is unable to carry that pregnancy to live birth, the period of time they  
52 attempted to conceive prior to achieving pregnancy shall be included in the calculation of the 1  
53 year or 6 month period, as applicable.

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