SENATE DOCKET, NO. 1581 FILED ON: 1/21/2011

SENATE . . . . . No. 430

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 adoption of the accompanying bill:

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

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Andres Lessing	*60 Parkton Road,*

SENATE DOCKET, NO. 1581 FILED ON: 1/21/2011

SENATE . . . . . No. 430

By Mr. Joyce (by request), a petition (accompanied by bill, Senate, No. 430) of [PETITIONERS LIST] for legislation relative to in vitro fertilization for the purposes of genetic testing. Financial Services.

The Commonwealth of Massachusetts

In the Year Two Thousand Eleven

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:

SECTION1. Section 47H of Chapter 175 of the General Laws is hereby amended by striking out the paragraph in its entirety and replacing it with the following paragraph:-

"Section 47H. Section 47H. Any blanket or general policy of insurance, except a blanket or general policy of insurance which provides supplemental coverage to medicare or other governmental programs, described in subdivisions (A), (C) or (D) of section one hundred and ten which provides hospital expense or surgical expense insurance which includes pregnancy-related benefits and which is issued or subsequently renewed by agreement between the insurer and the policyholder, within or without the commonwealth, while this provision is effective, or any policy of accident and sickness insurance as described in section one hundred and eight which provides hospital expense or surgical expense insurance which includes pregnancy-related benefits and which is delivered or issued for delivery or subsequently renewed by agreement between the insurer and the policyholder in the commonwealth while this

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

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

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

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

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

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

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

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